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Hon. Andrew S. Draper  
Commissioner of Education

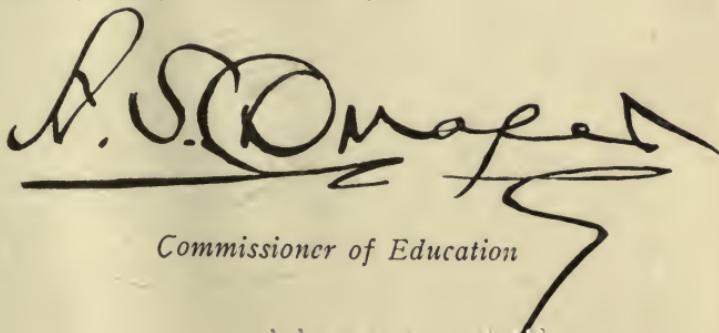
DEAR SIR: I have the honor to transmit herewith and to recommend for publication a historical summary of American ballot laws for the past twenty years, with a more minute analytic digest of the provisions of existing laws on this subject in every state. The monograph presents facts only. There is no attempt at criticism, discussion or comparison.

Very respectfully

JAMES I. WYER, JR  
Director

STATE OF NEW YORK  
EDUCATION DEPARTMENT  
COMMISSIONER'S ROOM

This voluminous bulletin covers a summary of all American ballot laws enacted in the last twenty years. The subject is of sufficient importance and the work seems to have been sufficiently well done to justify such a State as New York in going to the expense of providing the information for all interested. Publication is approved this 25th day of October, 1910.

  
A. S. Draper  
Commissioner of Education

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FEBRUARY 1, 1911

# New York State Library

Legislation 40

## AMERICAN BALLOT LAWS, 1888-1910

BY

ALFRED W. FULTON

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ALBANY

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1911



# Education Department Bulletin

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Legislation 40

### AMERICAN BALLOT LAWS, 1888-1910

A COMPARATIVE TABULAR DIGEST OF THE BALLOT LAWS OF THE FORTY SIX STATES AND OF THE TERRITORIES OF ARIZONA AND NEW MEXICO, AS IN FORCE NOVEMBER 8th, 1910; AND A BRIEF CHRONOLOGICAL SURVEY OF CERTAIN FEATURES OF THE BALLOT LAWS ENACTED BY EACH OF THESE STATES AND TERRITORIES DURING THE LAST TWENTY YEARS

BY

ARTHUR C. LUDINGTON

#### INTRODUCTION

The following monograph deals with the ballot laws of the several states of the Union and of the territories of Arizona and New Mexico as they stood at the time of the Congressional elections of November 8th, 1910. The chronological survey (Part 1) includes all acts passed at the sessions of the several state legislatures in 1910,<sup>1</sup> and the tabular digest (Part 3), as well as Parts 3A and 3B, are compiled as of November 8th, 1910.

Where the word "ballots" is employed it is to be understood as referring only to ballots used for the election of public officers. Primary election ballots are not included within the scope of this monograph.

The word "ballot," moreover, is to be understood as excluding ballots used at special elections. Such ballots, whether the special election is for the purpose of filling a vacancy in a public office or for the purpose of voting upon some question submitted by

<sup>1</sup>As the 1910 session of the Vermont legislature<sup>2</sup> was not yet completed in January, 1911, when this monograph went to press, it was impossible to include any references thereto.

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the legislature, are apt to be provided for (especially in the latter case) by the statute authorizing the election to be held. The provisions of these special acts prescribing the form of ballot to be used at such elections vary considerably, and as they are very numerous it has not been thought worth while to attempt to include them. Only those forms of ballot, therefore, which are provided for by general laws governing regularly recurring elections are dealt with in this monograph.

Part 1 Chronological survey. This part of the monograph gives a brief outline for each state and territory and for the period from 1888-91 to 1910, inclusive, of every law enacted and of every constitutional amendment proposed by the legislature (whether subsequently adopted or not) which deals with any one of the group of subjects selected for discussion. These subjects are hereafter explained in detail in that portion of the introduction which relates to the Digest (Part 3). The chronological survey does not attempt to present the various acts and amendments of earlier years as fully as the current laws as presented in Part 3. For example, while a separate division of the Digest for each state is devoted to the method by which the names of candidates are given a place on the ballot, the earlier enactments dealing with this subject (i. e. with the making and filing of certificates of nomination or independent "nomination papers," the definition of political parties entitled to nominate by certificate of nomination, etc.) are but briefly indicated in the chronological survey. No attempt has been made to include in the survey the direct primary laws passed in a number of states, or the amendments to the same. These laws generally modify to some extent the procedure by which the names of candidates are given a place on the official ballot for general elections, and where such laws are now in force, this fact has been indicated in the tabular digest; but it was not thought worth while to include them in the chronological survey. The outlines of those acts or portions of acts which deal with the form of the ballot or with the rules for marking the ballot are somewhat fuller, but even in these cases no attempt has been made to describe every detail of each new piece of legislation. To do so would have required too much space, and for the reader who desires exhaustive information complete references are given to the statutes themselves.

Part 2 Classification and summary. This section presents in tabular arrangement the principal changes in the form of ballot in the several states, the states being grouped in five divisions accord-

ing to the general types and forms of ballot which they have adopted since 1888-91.

Part 3 Digest. This presents for each state under four heads the principal features of its ballot laws as they stood on November 8th, 1910, the states being arranged alphabetically.

The first division under each state contains those provisions of its constitution which deal with the subjects of this monograph.

In the second division is indicated the procedure by which the names of candidates are given a place on the official ballot. It has not been attempted to show the time at which certificates of nomination or nominating petitions must be filed nor the form in which and conditions under which they are to be drawn up, nor the method by which vacancies caused by the death or withdrawal of a candidate are to be filled. In general only the persons by whom such certificates or petitions are to be signed and the officers with whom they are to be filed have been stated; or, where certificates of nomination and nomination papers are not provided for, the procedure indicated by law, whatever it may be, has been outlined.

In the third division the type and form of ballot used in each state are described under various subdivisions.

Under subdivision 1 is indicated the general type of ballot used, i. e. whether or not the ballot is "official"; also (in amplification of this term) by whom the ballots are furnished and distributed to the several polling places, and from whom, when and where they are to be obtained by the voters.

Subdivision 2 further specifies the type of ballot used by indicating whether candidates of all parties are voted for on a single "blanket" ballot, or whether there is a separate ballot for each party.

The remaining subdivisions in this division deal with the form of the ballot.

Under subdivision 3 is indicated the general arrangement on the ballot of the names of the candidates, and the order of the several party columns or of the titles of the several offices; also the presence or absence of party emblems at the tops of the columns or of party designations after the names of the individual candidates. Certain other details as to the arrangement of the ballot which did not seem to belong under any other subdivision have in a few cases been included under this head.

Subdivision 4 states whether any special method is provided for voting a "straight party ticket" (i. e. voting for all the candi-

dates of any one party) different from that prescribed for voting a "split ticket". (i. e. one made up of individual candidates from several different parties).

Subdivision 5 states whether any special spaces are provided on the ballot in which a voter may write the names of persons not already named thereon as candidates for any office.

Subdivision 6 states whether or not there is any provision that no candidate's name shall appear upon the ballot in more than one place, and, where the ballot is of the "party column" form and such a provision exists, states the procedure to be followed in case a candidate is nominated by two or more parties.

Under subdivision 7 are indicated the methods, if any, employed in each state to attain one or more of the following objects: (a) that the ballot returned by each voter to be deposited in the ballot-box shall be none other than the one given to him by the election officers; (b) that the number of ballots cast shall correspond exactly with the number of persons who have voted; and (c) that the methods adopted to ensure the above results shall not be such as to furnish a means of identifying any ballot as having been cast by a particular voter. Strictly speaking, this subdivision could properly be included in this division only when the above objects were sought to be attained by some method or methods connected with the form of the ballot itself, as in the case where detachable numbered stubs are provided for. Because of the importance of this subject, however, and for the interest of the comparison, other methods which seek to attain one or more of these objects — such as the signing or initialing of each ballot on the back by the election officers, the numbering of the ballot itself before it is deposited, or the mere checking off of the voters' names on a registration list — have also been included. Owing to lack of space, only a brief indication of the method employed could be given in each case.

Subdivision 8 states whether or not the official ballots are provided with any official indorsement printed on the back or with any similar device, such as a special watermark, to distinguish them from unofficial or spurious ballots.

Subdivision 9 states whether or not in addition to the general ballot, separate ballots are provided for municipal, educational, judicial or other officers to be elected, or for constitutional amendments or other questions to be voted on, at national, state or municipal elections; also in what form such amendments or questions are printed on the general ballot or on a separate ballot.

Whenever the ballots used at separate elections (local, judicial etc.) are of a different form from those used at general elections, this fact is also indicated under this subdivision. No attempt has been made, however, to describe the various informal methods of voting usually permitted at certain minor local elections.

Subdivision 10 states whether or not sample or "specimen" ballots are provided; in what respects, if any, they differ from the official ballots; and what use is to be made of them.<sup>1</sup>

In the fourth division are outlined the rules for marking the ballot. Under this heading are discussed the various methods of voting a "straight" or a "split ticket," and it is stated whether or not a voter may write on his ballot the name of any person not already mentioned thereon as a candidate for some office, and whether or not he may make use of "pasters." The implement to be used, however, in marking the ballot, (i. e. pencil, pen, or stamp and ink pad) is not indicated; nor has any attempt been made to discuss the rules for counting the ballots, i. e. what ballots are to be deemed void as containing distinguishing marks or because of conflicting marks, what ballots are to be counted as blank for one or more offices, how the intention of the voter is to be interpreted, etc. These rules are very closely connected with the rules for marking the ballot and only lack of space has caused them to be excluded.

The statutory references which are given in the several divisions and subdivisions of the tabular digest are (1) to the particular section of the code or revised statutes containing the provision in question and (2) to the original chapter or page of the session laws in which the provision in its final form was enacted. In most cases the corresponding sections of earlier laws which have been either amended or repealed are also indicated. Where, however, the references to the session laws have once been given in connection with any section of the code or revised statutes of a state, if the same section of the code is afterwards referred to they are not repeated. The meaning of the abbreviations used in these references may be found by consulting the table in Part 3B.

<sup>1</sup> From among the great number of detailed provisions to be found in the laws of the several states in regard to the form of ballot, it was difficult to decide just which to select for this third division and which to omit. If the work were to be begun over again, possibly subdivisions 3 and 10 might be omitted as relatively unimportant, and other subdivisions inserted to deal with the various methods of arranging the names of presidential electors, the emblems or devices, if any, used by the several parties, the nature of the "instructions," if any, printed at the top of the ballot, the presence and placing of "voting squares" or "voting circles," the size of the ballot, the kind of type and paper used, or other details.

## WHAT PART 3 DOES NOT COVER

In addition to the topics mentioned elsewhere as having been omitted from this digest, it should be stated that no attempt has been made to cover the following: provisions as to the number of ballots to be supplied, the manner of furnishing substitutes in case the original ballots are not ready in time or are lost or destroyed, and the conditions under which unofficial ballots may be used; provisions as to the decision of questions affecting the regularity of nominations or the right to the use of the party emblem in case of a contest between rival factions, each claiming to represent the party; provisions as to the reprinting of the official ballots in case nominations are altered, or the affixing of pasters by the election officers before the ballots are distributed to the voters in case the change of candidates occurs too late to have the ballots reprinted; provisions as to the certification by the secretary of state to the officers charged with furnishing the ballots of the names of the candidates whose certificates of nomination have been filed with him, and as to the publication by him before election day of the lists of candidates of the several parties and the constitutional amendments or other questions to be voted on; provisions as to the preparation and posting of cards of instruction showing how the ballot is to be procured and voted; provisions as to the handling of the ballots on election day (except so far as this subject is covered in subdivisions 1 and 4 of the third division under Part 3) and as to the obtaining of another ballot by a voter in case he spoils the one first handed to him; provisions as to the assistance which may lawfully be rendered to blind, illiterate or disabled voters; provisions as to the disposition to be made of the ballots after the election is over; provisions designed to ensure the secrecy of the ballot; penal provisions in connection with the printing and handling of ballots; and, finally, (except in the case of a few states) provisions as to the minor local or special elections to which the general ballot laws do not apply.

Part 3A Voting machines. This presents the general constitutional and statutory provisions, if any, of the several states in regard to the use of voting machines. All that it has been attempted to indicate here is (1) the method by which voting machines may be adopted, (2) the political divisions and the elections in which they may be used, and (3) whether or not the approval of a state voting machine commission or board of commissioners is neces-

sary before any particular type of machine may be adopted. While further details as to the legal requisites of voting machines in each state and the rules regulating their use would have been of interest, the length and complexity of the several voting machine acts is so great that the inclusion of these details would have required too much space.

Part 3B General references to state ballot laws. In this portion is given the general reference to the chapter or article of the latest code or revised or compiled statutes of each state which contains the ballot law; also to any subsequent session laws amendatory thereof.

Part 4 Short bibliography. This includes references to certain books, portions of books, pamphlets and magazine articles which deal with the adoption of Australian ballot laws in this country, their development in the several states since 1888, and their present working. Only those have been included which refer more or less definitely to the special subjects of this monograph and which are thought to be most interesting or important. No attempt at completeness has been made.

Some of the information on which this monograph is based has been obtained by correspondence with the various secretaries of state or other state officers, or from examination of the ballots themselves. With this exception, however, Parts 1, 2 and 3 are based entirely on an examination of the constitutions and statutes of the several states.

# Part I

## CHRONOLOGICAL SURVEY

### ALABAMA

Until 1893 the law of March 3, 1875 (p.76), as amended by the law of March 7, 1876 (p.103), remained in force and regulated the subjects covered by this digest. It provided that all elections by the people were to be by ballot. The ballots were to be of plain white paper, "without any figures, marks, characters or embellishments thereon, not less than two and one-half inches, nor more than three inches in width, and not less than five nor more than ten inches in length, on which must be written or printed, or partly written and partly printed, only the names of the persons for whom the elector intends to vote, and must designate the office for which each person so named is intended to be chosen." It was also provided that no ballot was to be rejected as illegal on account of the name of any candidate being abbreviated, nor on account of the use of numerals as abbreviations, nor by reason of the erasure of any name or names and the insertion of others, provided the meaning of the elector was clearly apparent. Even if the ballot was not of the proper dimensions, it was not to be rejected if the voter clearly had no intention of violating the statute. As each voter voted his name was to be called distinctly, and written by each clerk on the poll-lists. The names of voters were also to be numbered in the order of voting. Constitutional amendments were to be written or printed on the same ballot as that used in voting for representatives, but several amendments could be voted for on one ballot by reference to the numbers given them in the official publication.

The first Australian ballot law was adopted in 1893 (p.837, Feb. 21). This act provided for the "office group" form of ballot, with no special method of voting a straight party ticket. The names of candidates were to be arranged in alphabetical order, according to surnames, under the title of each office. The order in which the several offices were to be printed was left to the discretion of the officer providing the ballots. Constitutional amendments and other questions were printed on the general ballot, the substance of each being indicated. Each ballot was to be provided with a detachable stub on which one of the inspectors was to write his

name or initials before delivering the ballot to a voter. The names of the candidates were to be printed "irrespective of party."

In 1903 (p.438, Oct. 9) the act of 1893 was repealed and a new ballot law, the one now in force, was enacted. This law provided for a "party column" ballot with emblems and with special circles for voting a straight party ticket.

In 1909 (p.277, Aug. 25) that portion of this law embodied in section 373 of the Code was amended to provide that the name of each candidate should appear but once on the ballot and under only one emblem.

#### ARIZONA

The first Australian ballot law was enacted in 1891 (no.64 p.83, Mar. 18) and took effect on the first Monday in June, 1892. It provided for the "office group" form of ballot with no special method of voting a straight party ticket. No special arrangement of the names of the candidates under each office was prescribed, but the name of each candidate was to be followed by that of the party or political organization "to which he belonged."

Questions submitted to popular vote were to be printed on the general ballot after the list of candidates. There was no limitation as to the number of times a candidate's name might appear upon the ballot. A facsimile of the signature of the chairman of the board of supervisors which provided the ballots was to be printed on the back of each ballot across the perforated line separating the ballot from the detachable stub. The stubs were to be numbered consecutively in printing or writing, and were to be signed by one of the ballot clerks in a blank space provided for the purpose. As each voter returned his ballot to be deposited, the number on the stub was to be written opposite his name on the registration book and his voting number was to be written both in this book and on the stub.

In 1895 (no.44 p.58, Mar. 20) this act was amended. The "office group" form of ballot was abandoned and the "party column" form, with emblems and special squares for voting a straight party ticket, was adopted.

#### ARKANSAS

The first Australian ballot law was enacted in 1891 (no.30 p.32, Mar. 4) and has since been amended but once. This amendment was enacted in the same year as the act itself ('91 no.73 p.130, Mar. 26). The act of March 4th had provided (in the

sample form of ballot included in the text) that after the name of each candidate should be printed the name of his home county and the full name of his party. The act of March 26th included a new and somewhat different sample form of ballot in which the name of the candidate's county was dropped and the name of the party which nominated him printed only in abbreviated form.

#### CALIFORNIA

The first Australian ballot law was enacted in 1891 (ch.130, Mar. 20). It provided for the "office group" form of ballot with a special method, however, of voting a straight party ticket. The names of the several parties were to be printed together at the top of the ballot and a straight ticket could be voted by means of a cross in the margin opposite any one of them. If such a cross were made, however, no other crosses could be made opposite the names of individual candidates under penalty of having all the ballot, except as to constitutional amendments, declared void.

The names of candidates were to be arranged in alphabetical order according to surnames under the title of each office, and after each candidate's name was to be printed that of the party or group which had nominated him. There were to be separate ballots on different colored paper for city officers and for consolidated city and county officers. Detachable stubs consecutively numbered were also provided for. Constitutional amendments and other questions submitted were to be printed on the general ballot. All ballots were to be printed on special watermarked paper, the watermark on which was to show on the outside of the ballot when the latter was folded and was to be changed before each election.

In 1893 (ch.220, Mar. 23) this act was amended in several particulars, and the special provision for voting a straight party ticket, which had been declared unconstitutional by the supreme court on October 15, 1892 (*Eaton v. Brown*, 96 Cal. 371), was repealed.

In 1895 (ch.216, Mar. 28) the act of 1891 was further amended in regard to the filing of certificates of nomination and the manner of voting.

On November 3, 1896, an amendment to article 2 section 5 of the constitution, providing that elections by the people should be by ballot or by any other method prescribed by law, so long as secrecy in voting was preserved, was adopted by the people.

In 1897 (ch.167, Mar. 27) an act was passed providing for a commission to examine, investigate and test the various kinds of voting machines and to report to the next session of the legislature.

In 1899 (ch.101, Mar. 20) the "office group" form of ballot was abandoned and a "party column" ballot, without emblems and without any special method of voting a straight ticket, adopted. A blank column was provided for writing in names. The several columns were to be arranged in such order as the secretary of state should direct, precedence, however, being given to that party which polled the largest vote for governor at the last preceding election. No candidate's name was to appear on the ballot in more than one column.

On October 14, 1902, the provision of the act of 1899 that no candidate's name should appear on the ballot in more than one column was declared unconstitutional by the supreme court, as violating sections 11 and 21 of article 1 of the constitution (*Murphy v. Curry*, 137 Cal. 479, 70 Pac. 461).

On November 4, 1902, a new section (6) was added to article 2 of the constitution, providing that the legislature should have power to prescribe different methods of receiving and registering the vote at elections for different parts of the state and that it might provide for the use of voting machines in designated localities, at the option of the local authorities.

In 1903 (ch.134, Mar. 14) "party circles" for voting a straight ticket were added at the heads of the columns, but no emblems were provided for.

In the same year ('03 ch.226, Mar. 20) a state voting machine commission was created and the use of voting machines of any type approved by this commission was permitted at any election in any county, city and county, city or town where they should be adopted by the board of supervisors or other board having charge or control of elections.

In 1907 (ch.342, 343, Mar. 19) this act of 1903 was amended and a supplementary act was passed providing for the testing of voting machines before elections.

In the same year ('07 ch.345, Mar. 19) the provisions in regard to the filing of certificates of nomination were amended.

In 1909 (ch. 280, Mar. 19) section 1199 of the political code was amended, the number of official ballots to be provided for each election precinct being altered.

#### COLORADO

The first Australian ballot law was adopted in 1891 (p.143, Mar. 26). It provided for a "party column" ballot with emblems and

with a special method of voting a straight party ticket. Detachable stubs, consecutively numbered, were also provided for. As each ballot was returned by the voter to be deposited, the judge, after detaching the stub, was to number the ballot in the corner to correspond with the stub and fold and paste down the corner so as to cover the number, just as at present. The ballots had the usual indorsement on the back. Constitutional amendments and other questions were printed on the general ballot.

In 1894 (ch.7 p.59, Feb. 27) this act was amended. The "party column" form of ballot was abandoned and the "office group" form substituted, but with special emblems and with squares at the top for voting a straight party ticket. The names of the candidates were to be arranged in alphabetical order under the title of each office, and each candidate's name was to be followed by the names of all parties or groups which had nominated him.

In 1899 (ch.94, May 3) the emblems and squares for voting a straight ticket were discarded and a new method was substituted for this purpose (a blank space in which the voter was to write the name of the party), which is still in use. The rules for marking the ballot were also changed to correspond.

In 1901 (ch.72, Apr. 16) the black square at the upper left-hand corner of the face of the ballot was added, and it was provided that the judges should write the voter's number on the back of this square, and fold and paste down the corner as already described.

In 1905 (ch.101, Apr. 10) an act was passed (to go into effect only in case the constitutional amendment to be submitted the following year permitting the use of voting machines should be adopted) authorizing the use of voting machines at any or all elections under specified conditions. The constitutional amendment referred to was adopted by the people on November 6th, 1906, and the voting machine went into effect December 30, 1906.

#### CONNECTICUT

Until 1909 no Australian ballot law was adopted in Connecticut.

In 1889 (ch.247, June 22) there was enacted an election law which provided for semi-official ballots, separate for each party, to be printed and distributed by the several party organizations on ballot paper furnished by the secretary of state, and in a form prescribed by him. Five separate kinds of ballots for different officers or groups of officers were provided for, and there were also separate ballots for constitutional amendments and other ques-

tions. Official envelopes obtainable only from the election officers at the polls on election day were also provided for. The ballots were to be secretly marked in voting booths and inclosed in the official envelopes.

In 1895 (ch.267, July 2) this act was amended. The form in which the ballots were to be printed by the several parties was more carefully specified, the provisions being inserted in the law itself and not merely left to the secretary of state to prescribe. (For example, the form in which the titles of the several offices should be printed was fully stated.) The number of separate ballots for different officers or groups of officers was increased to seven. It was also provided that no person should print on any party ballot the name of any person not a candidate of the party whose name was at the head of the ballot. The date of the election was to be printed on the face of each official envelope.

In the same year ('95 ch.263, June 26; ch.335, July 6) the use of the Myers automatic ballot machine and the McTammany voting machine was permitted in any municipal election in any town, city or borough. A constitutional amendment explicitly permitting the use of voting machines, which passed the legislature in 1895 (p.712), was not repassed at the following session.

In 1897 (ch.213, June 4) the ballot act was further amended. It was lengthened and a number of its provisions were altered or amplified in detail.

In 1899 (ch.207, June 20) the number of separate ballots for different officers or groups of officers was reduced to two, a third separate ballot, however, being provided for constitutional amendments and a fourth for educational purposes. In elections where women were entitled to vote, separate ballots containing only the names of the candidates for whom they were entitled to vote, and a separate ballot box for such ballots, were provided for.

In 1901 (ch.182, June 17) it was provided that representatives at large should be voted for on the same ballot as state officers.

In the same year ('01 ch.120, June 5) the voting machine acts of 1895 were repealed and a new act was passed authorizing the adoption by any town, city or borough of voting machines of any type approved by the state board of voting machine commissioners for use at any or all elections.

In 1903 (ch.207, June 19) this voting machine act of 1901 was amended and amplified.

In the same year ('03 ch.45, Apr. 23) the provisions in regard to official envelopes were amended and elaborated.

In 1905 (ch.181, June 29) a new law was passed providing a penalty for any person who should print or circulate, for use at any election to which the general ballot law applied, any ballots of a size, style or form different from those of the regular party ballot or printed on any paper other than that furnished by the secretary of state.

In the same year ('05 ch.241, July 18) the provisions as to the use of pasters were amended and it was provided that all pasters should be printed upon blank paper, of a color other than white, to be designated by the secretary of state and furnished by him on application and on the payment of the cost thereof.

In October 1905 a constitutional amendment (article 35 of the amendments to the constitution) was adopted by the people, expressly permitting the use of voting machines.

In 1909 (ch.250, Aug. 24) a complete Australian ballot law was enacted, most of the existing law on the subject being repealed. This law did away with the system of semi-official ballots and official envelopes; and substituted an official blanket ballot of the "party column" form with no emblems but with "party circles" for voting a straight party ticket. The several columns were to be arranged in such order as the secretary of state should direct, precedence, however, being given to the party which polled the largest vote for governor at the last preceding general election. A blank column for writing in names was provided for. There was to be but one ballot for all officers voted for at any one election and for constitutional amendments and other questions submitted. Detachable numbered stubs were provided for. This act went into effect July 1st, 1910.

Another act ('09 ch.262, Aug. 24) amended the voting machine law in regard to the composition of the state board of voting machine commissioners and in several other particulars.

A third act ('09 ch.68, June 2) made a slight change in the form of ballot for elections of school officers in towns.

#### DELAWARE

The first Australian ballot law was adopted in 1891 (ch.37, May 15). It provided for a "party column" form of ballot with a special method of voting a straight party ticket. This law, slightly amended, is still in force.

In 1893 two constitutional amendments which had been passed in 1891 ('91 ch.1, Apr. 28; ch.2, May 16) were repassed ('93 ch.541, Feb. 15; ch.540, Jan. 20) and became part of the constitution. The first provided that "the legislature may by law prescribe the means, methods and instruments of voting so as to best secure secrecy and the independence of the voter, preserve the freedom and purity of elections and prevent fraud, corruption and intimidation thereat." The second provided that whenever the question whether or not a constitutional convention should be held was submitted to the voters, the ballots should be kept separate from all others used at the same elections and should be distinct from those used in voting for any candidate.

In the same year ('93 ch.576, May 4) it was provided that the "party square" should inclose the party device or emblem above the party name at the head of the ticket, and that to vote a straight ticket, the voter was to stamp this square. To vote a split ticket, he was to stamp this square, erase the names of the candidates for whom he did not wish to vote on his party ticket and put cross marks in the voting squares before the names of the other candidates for whom he did wish to vote.

In 1897 (ch.396, May 20) a few changes were made. The small voting squares opposite the names of the individual candidates were abolished. It was also provided that a voter should not be allowed to write in any blank space on his ballot the name of any person not already printed on the ballot as a candidate for the same office, and that if any voter violated this rule, his ballot should be declared void and should not be counted. The manner in which the clerks were to write their initials on the backs of the ballots was also altered.

In 1901 (ch.62, Mar. 2) the form of cross (X) mark to be used in marking the ballot was defined.

#### FLORIDA

Until 1895 no Australian ballot law was adopted in Florida.

In 1889 (no.33, June 4) a general election law was passed containing the following provisions as to ballots etc.:

"Sec. 24. The voting shall be by ballot, which ballot shall be of plain white paper, of not more than two and one-half inches in width, nor more than six inches long, clear and even cut, without ornament, designation, mutilation, symbol or work of any kind ?

whatsoever, except the name or names of the person or persons voted for, and the office to which such person or persons are intended to be chosen, which name or names, and office or offices, shall be written or printed, or partly written and partly printed thereon in black ink or with black pencil, and such ballot shall be so folded as to conceal the name or names thereon, and, so folded, shall be deposited in a box, to be constructed, kept and disposed of as hereinafter provided, and no ballot of any other description found in any election box shall be counted." Separate ballots were to be provided for the following officers: (1) governor; (2) administrative officers of the executive department; (3) state senators; (4) members of the house of representatives; (5) justices of the supreme court; (6) county officers; (7) members of Congress; (8) presidential electors. Constitutional amendments and other questions submitted were to be printed on a ninth separate ballot. As each voter deposited his ballot in the ballot-box, his name was to be checked off on the registration list and was also to be written on the poll-lists. (All the ballots above mentioned were to be unofficially provided and distributed to the voters).

The first Australian ballot law was passed in 1895 (no.7, May 25). With a few amendments mentioned below, this act is still in force. It provided for the "office group" form of ballot, with no special method of voting a straight party ticket and with no party designations after the names of the several candidates or anywhere else on the ballot.

In the same year ('95 no.8, May 30) this act was slightly amended in regard to the method of marking the ballot. Also the inspectors were directed to write their names or initials on the ballot stubs; under the earlier act they had been directed either to write or stamp them on.

In 1897 (no.23 § 10, June 7) this act was further amended to provide that the printing of ballots for municipal elections was to be the duty of the city or town council instead of that of the board of county commissioners.

In 1907 (no.17, May 22) another amendment was adopted. It was provided that "nothing in this section (the one in which a sample form of ballot was printed) shall be construed to prohibit the names of the several candidates for national, state and county offices, and other matters to be voted on, being printed in the same order as now and in one or more columns on the same ballot."

### GEORGIA

No Australian ballot law has been adopted in Georgia up to the present time.

Those sections of the law which deal with the subjects covered by this monograph date from the original Code of Georgia enacted in 1861. This Code was compiled from the laws of Georgia then in force, so that the provisions above mentioned are really of earlier date than 1861. At that time, however, they were given their present form, which has never since been changed. Practically the whole law on the subject of ballots, manner of voting, etc. (except for the provisions of the constitution) is now to be found in section 72 of the Political Code of 1895. This section was section 1288 of the Code of 1873, and section 1288 of the Code of 1882. The provisions of this section will be found in full in Part 3.

### IDAHO

The first Australian ballot law was passed in 1891 (p.57, Feb. 25). This law provided for a "party column" form of ballot, but with no emblems and with no method of voting a straight party ticket. Constitutional amendments and other questions submitted were to be printed on the general ballot.

In 1895 (p.91 § 32, Mar. 9) this law was slightly amended to provide for voting circles, instead of voting squares, after the names of the individual candidates. Constitutional amendments were to be printed before the names of candidates at the top of the ballot, instead of after them at the bottom.

In 1899 (p.33, Feb. 2) the law of 1891, as amended in 1895, was consolidated and re-enacted.

In 1903 (p.354, Mar. 2) it was provided that the name of no candidate should be printed on the ballot in more than one column. Emblems and "party circles" at the heads of the several columns for voting a straight party ticket were also adopted and the rules for marking the ballot were correspondingly amended.

In 1905 (p.311, Feb. 27) the law was further amended to provide for the printing of constitutional amendments on a separate pink ballot, and of other questions submitted on a separate light blue ballot.

In the Revised Codes of 1908 a further slight change was made in order to harmonize section 118 of the law of 1899 with section 48 of this law as amended in 1905. It was provided that the questions submitted on the separate light blue ballot should not include "county seat and boundary questions."

## ILLINOIS

The first Australian ballot law was adopted in 1891 (p.107, June 22). It provided for a "party column" form of ballot with special circles for voting a straight party ticket. Constitutional amendments and other questions submitted were to be printed on the general ballot. Except for the amendments described below, this law is still in force.

In 1897 (p.211 § 3, May 6) this law was amended by a provision that "the names of candidates shall not be placed upon the ballot more than once for the same office, or under more than one party appellation or title." Section 8 of the law of 1891 was also amended to provide that, if a candidate were nominated by more than one party or group of voters, he must notify the secretary of state or other proper officer under which of such party or group appellations he wished his name to appear; and that if he failed to do so within the time prescribed, his name was not to be printed on the ballot at all.

In the same year ('97 p.213, May 26) it was provided that the officer charged with printing the ballots should have a sufficient number of "specimen ballots" printed.

In 1898 (p.10, Feb. 10) section 3 of the law of 1891 (as amended by '97 p.211) was again amended and the proviso forbidding the printing of any candidate's name in more than one place on the ballot was stricken out.

Section 8, however, (as amended by '97 p.211) which contained practically the same provision as section 3, remained unrepealed.

In 1899 (p.151, Apr. 24) the law was again amended to provide for separate ballots for constitutional amendments and other questions submitted. The form of the section in regard to "specimen ballots" was also altered ('99 p.149, Apr. 22).

In 1901 (p.198, May 11) a law was passed providing for the submission to popular vote, for the purpose of obtaining an advisory expression of public opinion, of questions of public policy, and it was provided that such questions should be printed on separate ballots like constitutional amendments.

In 1903 (p.178, May 14) the use of voting machines (as described in Part 3A) was authorized.

In the same year ('03 p.174, May 15) it was provided that any person nominated by more than one party or group might within a specified time withdraw his name from nomination by any or all of them. It was also provided that, whenever a candidate was

nominated by two or more parties or groups for the same office, the secretary was to notify such candidate that he must choose under which party or group designation he wished his name to appear; and that if the candidate failed so to choose within the time prescribed, his name was not to be printed on the ballot under the designation of any of the parties or groups which had nominated him.

In 1905 (p.206, May 13) the method of cumulative voting for state representatives (which had been in force since before 1891) was defined and the counting of such votes regulated. Two other slight amendments ('05 p.208; one approved May 16, the other became a law without the governor's signature May 18) were adopted in this same year. The former related to the filing of certificates of nomination and nomination papers, and the latter to the form of nominating petitions for independent candidates.

In 1910 (ex. sess. p.12 §12-16, Mar. 9) it was provided that the ballots for municipal elections in cities of less than 200,000 inhabitants which should adopt the commission form of government should be without party designations of any sort, and should contain only the names of the two candidates for the office of mayor and the eight candidates for the office of commissioner (four of whom were to be elected) who had received the largest number of votes at a non-partisan direct primary election. A separate ballot was also provided for any municipal propositions submitted to vote in such cities by initiative petition or referendum (§ 47-48).

#### INDIANA

The first Australian ballot law was adopted in 1889 (p.157, Mar. 6). It provided for a "party column" ballot with emblems and special squares for voting a straight party ticket. (This was the first act to be passed in any state providing for the "party column" form of ballot.) It also provided for separate ballots for state and for local elections, as at present. There was no limitation as to the number of times a candidate's name might appear on the ballot. This act has since been but slightly amended.

In 1891 (p.124, Mar. 6) it was provided that the device or emblem at the head of each column should be inclosed within the "party square" and that to vote a straight ticket, the voter should stamp a cross in the square. It was also provided that if he should stamp this large square, he could not stamp the small squares in any other column (under penalty of having his ballot thrown out

as containing distinguishing marks) unless the party column under the "party square" which he had stamped contained no nominations for one or more offices.

The whole provision in regard to "paster ballots" (cf. Part 3) was added to the law by this act of 1891.

It was also provided that no candidate's name was to be printed on the ballot in more than one place. If a candidate were nominated by convention and also by petition his name was to be printed only in the party column and not among the independent nominations, unless the candidate expressly requested to have it printed with the latter.

In 1893 (p.192, Mar. 2) it was provided that, besides the state ballots on red paper and the county ballots on white paper, there should be separate township ballots, printed on yellow paper, for all township officers.

In 1895 an amendment to article 2, section 13, of the constitution of 1851 was passed for the first time ('95 p.367) authorizing the use of voting machines at elections, but this amendment was not repassed at the next session.

In 1897 (p.49, Feb. 23) a special act was passed in regard to ballots and manner of voting. It provided that the party devices at the head of each column should be inclosed in a circle instead of in a square, left out the Prohibition party in prescribing the order of columns on the ballot and added to the old provision limiting the number of times that a candidate's name might appear on the ballot a further provision that a candidate nominated by two or more parties might elect in which column his name should be placed, failing which the officer furnishing the ballots should decide. This act also changed the rules for marking the ballot.

In 1899 (p.365, Mar. 2) an act was passed to allow the use of voting machines when adopted by county, city or town authorities.

In 1901 (p.591, Mar. 15) the voting machine law of 1899 was repealed and a new law on that subject enacted. This law provided for a state voting machine commission and allowed local authorities to adopt only machines of a type approved by this commission.

In 1903 (p.278, Mar. 9) this last mentioned act was amended in several respects, the use of the voting machines being made mandatory in counties containing a population of 36,000 or over.

## IOWA

Up to 1892 the provisions of the Code of 1851 in regard to the form of ballot, etc. (§ 256-57, 260, as reprinted in McClain's Annotated Code and Statutes 1888, § 1077-78, 1081) remained in force. They were as follows: "Section 256. The ballots shall designate the office for which the persons therein named are voted for. Section 257. In voting, the electors shall deliver their ballots to one of the judges, and he shall deposit them in the ballot-box. Section 260. The name of each person, when his ballot is received, shall be entered by each of the clerks in the poll-book kept by him, so that there may be a double list of voters." These sections constituted practically the whole law on the subjects covered by this monograph.

The first Australian ballot law was adopted in 1892 (ch.33, Apr. 2). It provided for a "party column" ballot without emblems and with special circles for voting a straight party ticket. There was no limitation as to the number of times a candidate's name might appear on the ballot. Constitutional amendments and other questions submitted were to be printed in full on the general ballot.

In 1897 (ch.20, May 4) an official code was adopted which introduced certain changes into the existing law, among others a provision limiting the number of times that a candidate's name might appear on the ballot. No name was to appear more than once, and each candidate's name was to be placed in the column of the party which first filed a certificate of his nomination, unless the candidate himself requested otherwise. The arrangement of the law was also changed.

In 1900 (ch.35, Apr. 3; ch.36, Apr. 7; ch.37, Apr. 16) the law was again amended to provide for a separate ballot for constitutional amendments and other questions submitted (ch.35); to provide that the writing in of a name without marking a cross opposite thereto, or the marking of a cross without writing in any name, should not be deemed to invalidate a ballot (ch.36); and to provide for the use of voting machines (ch.37). This latter is the voting machine act which is still in force.

In 1906 (ch.43, Apr. 10; ch.44, Mar. 15) district judges were excepted from the provision limiting the number of times a candidate's name might appear on the ballot (ch.43). The "party circle" was also removed from the ballot, leaving no special provision for voting a straight party ticket (ch. 44).

In 1907 (ch.48 § 5, Mar. 29) special provisions were made in regard to ballots and nominations in municipal elections in cities which might adopt the commission form of government.

#### KANSAS

Until 1893 the election law of 1868 (G.S. '68 ch.36, art. 2, Mar. 3) remained in force and regulated the subjects treated in this digest. Its provisions were as follows: “§ 7. Manner of voting. Each elector shall, in full view, deliver to one of the judges of election a single ballot or piece of paper, on which shall be written or printed the names of the persons voted for, with a proper designation of the office which he or they may be intended to fill.” It was also provided that, on receipt of the ballot, the judge, before depositing it in the ballot-box, should pronounce the voter’s name in an audible voice and that the clerks should enter his name and number in the poll-books.

The first Australian ballot law was adopted in 1893 (ch.78, Mar. 11). It provided for a “party column” ballot without emblems and with no special method of voting a straight party ticket. There was no limitation as to the number of times a candidate’s name might appear on the ballot. Constitutional amendments and other questions submitted were to be printed on the general ballot. Before delivering a ballot to a voter one of the judges was to write his initials on the back.

In 1897 (ch.129, Mar. 13) this law was amended and practically re-enacted. It was provided that the columns should be arranged on the ballot according to the size of the vote of the several parties in each county at the preceding election, but the independent columns were to follow the party columns and were to be arranged according to the number of signers of the several petitions. A blank column was provided for writing in names. It was also provided that, before delivering a ballot to a voter, the ballot clerk was to write the voter’s number from the poll-list in the upper right-hand corner on the back of the ballot, and that the judge who received the ballots was to clip off the corner containing the number before the ballot was deposited in the ballot-box.

In 1898 (ch.17, Jan. 7) this act was slightly amended to provide that the name of not more than one candidate for each office should be placed in any column.

In 1901 (ch.177, Mar. 1) the law was again amended to provide for emblems, “party circles” for voting a straight ticket and

separate ballots for township and city officers and for constitutional amendments. It was also provided that no candidate's name should be printed on the ballot in more than one column. If a candidate nominated for the same office by two or more parties failed to choose in which column his name should be printed, the officer furnishing the ballots was to decide for him. The party columns were to be arranged according to the size of the vote of the several parties for governor at the last preceding election and independent columns, if any, in the order in which the petitions were filed. The law was also considerably amended in respect to the method of making and filing certificates of party nomination and "independent nominations" and in respect to the rules for marking the ballot.

In the same year ('01 ch.184, Mar. 22) the use of voting machines at any election was authorized.

In 1903 (ch.228, Mar. 11; ch.229, Mar. 10) the law was further amended to provide that no name printed on the ballot could be written in by a voter anywhere else on the ballot. The provisions as to a candidate nominated by two or more parties for the same office, and those as to the form of ballot and the rules for marking the same, were slightly altered in detail (ch.228). The section in relation to the method of printing and distributing official and sample ballots was also amended (ch.229).

In 1905 (ch.222, Mar. 8) the form of instructions to voters to be printed at the top of the ballot was slightly altered. The printing placed above the party circle was altered to explain more fully the purpose of the latter, and the rules for marking the ballot were amended.

In 1907 (ch.114, Mar. 2; ch.123, Feb. 25) an "office group" form of ballot was provided for separate city elections in cities of the first and second classes which should adopt the commission form of government.

In 1909 (ch.133, Feb. 9; ch.134, Mar.11) the provisions as to the furnishing of official ballots by county and city clerks, the payment of the expenses thereof, and the distribution of ballots, were amended, and chapter 229 of the laws of 1903 was repealed.

Chapters 114 and 123 of the laws of 1907, relating to cities of the first and second classes, respectively, under the commission form of government, were also amended ('09 ch.74, Feb. 5; ch.82, Feb. 26). It was provided that the ballots for municipal elections in such cities should be without party designations of any sort and contain only the names of the two candidates for each office who

had received the largest number of votes at a non-partisan primary election. A form of ballot for municipal measures submitted to the voters by initiative petition or referendum was also prescribed.

#### KENTUCKY

The first Australian ballot law in Kentucky (and in the United States)<sup>1</sup> was enacted in 1888 (ch.266, Feb. 24). It applied only to the election of certain city officers in the city of Louisville.

It provided for an "office group" form of ballot with no special method of voting a straight party ticket. Indeed no party designations of any sort were to be printed on the ballot and candidates were to be nominated only by petition. The names of candidates were to be arranged to the right of the title of each office, in alphabetical order. Municipal questions submitted were to be printed by brief title below the list of candidates. Detachable stubs were provided, but these stubs, instead of remaining on the ballot when it was given to the voter, were left in the "stub-book" and were filled out with the voter's name and address so as to serve in place of a poll-list. With his ballot each voter was given an "envelope or paper bag" in which he was to place his ballot after he had marked it and before he returned it to be deposited in the ballot-box.

In 1890 (ch.266, Feb. 27) this act was amended to provide for a second detachable stub (called a "slip or annex") which remained on the ballot itself until the same was deposited in the ballot-box. These stubs were numbered consecutively and, when the voter returned his ballot, were to be compared with the stub remaining in the "stub-book" and then detached. Voting squares opposite the names of the individual candidates were also provided for and the provision as to "envelopes and paper bags" was omitted.

In the same year ('90 ch.967, Apr. 22; ch.984, Apr. 23; ch.1490, May 13; ch.1560, May 15) ballot acts practically identical with the Louisville law as amended were adopted to regulate municipal elections in Bowling Green, Paducah, Owensboro and Covington, respectively.

Until 1892 all elections, other than municipal elections in the five cities above mentioned, were regulated by the general law of 1872 (ch.861, Mar. 27). The portions of this law which

<sup>1</sup>This law went into effect from and after the date of passage. The first Massachusetts law was not passed until May 29, 1888, and did not go into force until November 1, 1889.

governed the subjects treated in this monograph applied only to elections of members of Congress; all other elections (under the Constitution of 1850, article 8, section 15) were *viva voce* until the Constitution of 1891 (§ 147) provided that they should be "by secret official ballot." The law of 1872 provided that all ballots at congressional elections should be printed or written on white paper and should contain the name of the person voted for, but no other distinguishing mark. On receipt of each ballot the judges were to announce the name of the elector in an audible voice, and, if he were entitled to vote, were to examine his ballot only enough to see that it was single, and then deposit it.

The first Australian ballot law for the whole state was passed in 1892 (ch.65, June 30). It applied to all elections, except those of school officers, and expressly repealed the five municipal election acts above mentioned. It provided for a "party column" ballot with emblems and with special squares (inclosing the emblems) for voting a straight party ticket. If a candidate was nominated for any office by a party convention and also by petition, his name was to be printed on the ballot but once, and that in the party column unless he should expressly request that it be printed instead among the independent nominations. Constitutional amendments and other questions submitted were to be printed on the general ballot. A double stub system, practically the same as that at present in force, was provided for.

In the same year ('92 ch.102, Oct. 20) this act was slightly amended in regard to the method of marking the ballot.

In 1894 (ch.65, Mar. 15) it was provided that in cities or towns of the fifth class, the corporate limits of which included parts of two or more counties, the county clerk of each such county should furnish for election precincts within the county separate ballots containing only the names of city or town officers and municipal questions, where such were to be voted for.

In 1900 (ex. sess. ch.3, Oct. 16) the law of 1892 was again amended. "Party circles" below the emblems were provided for and the rules for marking were correspondingly altered. The law was further amended in regard to the making and filing of certificates of nomination and in regard to the furnishing and distribution of ballots by the county clerks.

In 1904 (ch.30, became law June 14) an act was passed providing for the submission to the people of a constitutional amendment repealing section 147 of the constitution of 1891 which provided that all elections by the people should be by secret official

ballot, and inserting a new section to provide that all elections by the people should be *viva voce* and should be made a matter of public record by the officers of the election according to the direction of the voter; also that the general assembly should pass all necessary laws to enforce this provision. This amendment was rejected by the people in November, 1905.

In 1910 (ch.50 § 6-7, Mar. 21) provision was made for special ballots for municipal elections in cities of the second class which should adopt the commission form of government. These ballots were to be of the "office group" form, without party designations of any sort, and were to contain only the names of the two candidates for each office who had received the largest number of votes at a non-partisan direct primary election.

#### LOUISIANA

Up to 1894 the election law of 1877 (no.58, Apr. 11) as amended by the law of 1882 (no.101, July 5) remained in force and regulated the subjects treated in this monograph. This law provided "that all the names of persons voted for shall be printed on one ticket or ballot of white paper, of uniform size and quality, to be furnished by the secretary of state at a charge of five per centum over and above the actual cost of said paper; and the names of persons voted for, and the offices for which they are voted, shall be accurately specified, and should two or more tickets be folded together the tickets so folded shall be rejected." The ballots for congressmen were to be separate, but all other officers were to be voted for on the same ballot. Every person offering to vote was required to show his certificate of registration, which was then to be stamped or marked "voted" by the election officers. A poll-list was to be kept and the names of voters were to be entered thereon and numbered in the order of voting.

In 1894 (no.181, July 12) a new general election law was enacted, and all prior laws on the subject (except those relating to contested elections) were repealed. The provisions of the earlier law, however, in regard to ballots, etc., were substantially re-enacted.

The first Australian ballot law was enacted in 1896 (no.137, July 9). This act provided for an "office group" form of ballot with no special provision for voting a straight party ticket. The names of the candidates were to be arranged in alphabetical order under the title of each office, and were to be followed by the candi-

dates' addresses and by their party or political designations. Constitutional amendments and other questions submitted were to be printed on the general ballot.

In 1898 (no.152, July 14) this act was repealed and re-enacted in different form. The "office group" form of ballot was abandoned and a "party column" ballot adopted, with emblems and with a special method of voting a straight party ticket. There was no limitation as to the number of times a candidate's name might appear on the ballot. No detachable stubs were provided for. Constitutional amendments and other questions submitted were to be printed on the general ballot. A number of portions of the former law were re-enacted, even in some cases where the same were inconsistent with the "party column" form of ballot.

In 1900 (no.132, July 11) it was provided that no candidate's name should appear on the ballot in more than one column. The method of filing certificates of nomination was also slightly amended.

#### MAINE

The first Australian ballot law was adopted in 1891 (ch.102, Mar. 25). It provided for a "party column" ballot with no emblems but with a special method of voting a straight party ticket. With the exception of the few amendments mentioned below, this law is still in force.

In 1893 (ch. 267, Mar. 28) several slight changes were made. The method of voting a straight party ticket was changed by adding a "party square" at the head of each column. The other rules for marking the ballot were also amended.

In 1901 (ch.169, Mar. 6) towns and cities were authorized to adopt voting machines, of any type approved by a state board of voting machine commissioners created by the act, for use at all elections.

In 1903 (ch.6, Feb. 11; ch.169, Mar. 26) the method of voting was again amended so as to allow the use of pasters by the voters (ch.6) and the law as to the filing of certificates of nomination was slightly amended (ch.169).

#### MARYLAND

The first Australian ballot law was adopted in 1890 (ch.538, Apr. 8). It provided for a "party column" form of ballot with emblems and with a special method of voting a straight party ticket by a cross mark in the margin opposite the name of the party.

Constitutional amendments and other questions submitted were to be printed on the general ballot. There was no limitation as to the number of times a candidate's name might appear on the ballot. This law applied to all except nine counties (§ 3) and to five cities, including Baltimore; but section 2 (amending section 137 of the Code) relating to the form of ballot, was restricted in its application to the city of Baltimore. Wherever the law applied an official ballot was provided for, and the method of making and certifying nominations, the method of furnishing the ballots, the rules for conducting the election and the rules for marking the ballot were prescribed. Only for Baltimore city, however, was the form of ballot definitely specified.

In 1892 (ch.236, Mar. 30) section 3 of the act of 1890 (amending section 137 of the Code) was re-enacted with the restricting clause left out, so that the section was made to apply to all parts of the state covered by the rest of the act. Certain details in the form of the ballot were also changed.

In the same year ('92 ch.300, Apr. 1) the application of the act of 1890 was extended so as to include all the counties of the state without exception.

In 1896 (ch.202, Apr. 2) the whole general election law, including the ballot act of 1890 as amended, was repealed and re-enacted with certain amendments. A blank column for writing in names was substituted for the blank spaces previously provided for. The general form of the ballot, however, remained unchanged.

In 1901 (ex. sess. ch.2, Mar. 21) the "party column" form of ballot was abandoned and the "office group" ballot, with no special method of voting a straight party ticket, substituted. The names of the candidates were to be arranged in alphabetical order under the title of each office, each name followed by the designation of the party or principle which the candidate represented. The type used was to be uniform throughout the ballot and was to be determined by the boards of supervisors of elections of Baltimore city and the several counties.

In 1902 (ch.133, Mar. 29) a few slight changes were made in the form of ballot. The style of type to be used was now prescribed by the law itself. Instructions, such as "vote for one," "vote for two," etc., were also provided for to accompany each office group.

In 1904 (ch.339, Apr. 12) it was provided that in the counties of Worcester, Somerset, Talbot, Kent, Frederick, Garrett, Prince

George's, Charles, St Mary's, Calvert and Anne Arundel the ballot should contain no party designations of any sort. In Baltimore city and in the remaining counties of the state, viz, Baltimore, Dorchester, Queen Anne's, Wicomico, Carroll, Washington, Allegheny, Cecil, Montgomery, Howard, Caroline and Harford, the form of ballot previously in force, with party designations after the names of the several candidates, was retained.

In 1906 (ch.498, Apr. 3) Frederick and Garrett counties were taken out of the first of the above lists (where the ballots contained no party designations) and placed in the second list.

In 1908 (p.103 § 1, Apr. 6) Dorchester and Queen Anne's counties were taken out of the second list (ballots with party designations) and put in the first.

In 1910 (p.112) the definition of political parties which might nominate candidates for office by convention or primary meeting (exempt from the provisions of the direct primary law of 1910, p.113) was amended so as to include only parties "whose highest candidate at any election held within two years next preceding the holding of such convention polled more than 1% and less than 10% of the entire vote cast in the state, county or other division or district for which the nomination is made."

#### MASSACHUSETTS

The first Australian ballot law was enacted in 1888 (ch.436, May 29) to take effect November 1, 1889. It applied only to elections of national, state, district and county officers in cities and towns and to elections of municipal (but not of town) officers. It provided for a ballot very similar to that now in use but in a simpler form. The names of the candidates, followed by their addresses and their party or political designations, were to be arranged in alphabetical order under the title of each office. Constitutional amendments and other questions submitted were to be printed on the general ballot.

In 1889 (ch.413, June 5) a number of minor amendments to this act were adopted; for example, it was provided that the street number was to be added to the address of each candidate for a city office; the officers authorized to decide disputed questions as to the proper designation of candidates on the ballot were specifically empowered to distinguish between candidates nominated by certificates of nomination and those nominated by nomination papers; and it was provided that the ballots for school officers for whom

women were entitled to vote should be printed on tinted paper of a different shade from that used for sample ballots. The time for performing certain acts in connection with the delivery of ballots and stationery to the election officers was also altered and other slight changes of this character, too numerous to specify, were adopted. No important alterations, however, were made in the earlier act.

In 1890 (ch.386, June 4) a ballot law for town elections was enacted (similar to the general ballot law, but simpler) which could be adopted by any town at its regular town meeting.

In the same year ('90 ch.436, June 23) the method of certifying nominations was amended in a few particulars, and it was provided that a candidate nominated by "nomination papers" should be so designated on the ballot.

In 1891 (ch.238, Apr. 24; ch.269-70, Apr. 30) the law was amended to permit blind and disabled voters to receive assistance in marking their ballots (ch.238) and two other slight changes were made (ch.269, 270). By chapter 269 it was provided that, where aldermen at large were voted for in a city, the number of the wards where the candidates for such offices resided should be printed after their names on the ballot. By chapter 270 it was provided that where more persons were nominated for any office, through certificates of nomination bearing the same party designation, than there were persons to be elected to such office, the officers authorized to decide disputed questions as to nominations should decide which of these candidates were entitled to the use of the party designation and should allow no more candidates to use it than there were persons to be elected to the given office.

In 1892 (ch.279, May 9) special provision was made for the arrangement of names of presidential electors on the ballot so that all the electors of any one party could be voted for by a single cross mark. Other slight amendments were made by chapter 316 (app. May 19) which prescribed the method of sending to the polling places and posting the cards of election and specimen ballots, and by chapter 406 (app. June 16) which created a state ballot law commission to decide all questions arising as to certificates of nomination.

In 1893 (ch.417, June 5) the entire election law including most of the amendments passed during the session of 1893 was recodified. These included an act ('93 ch.87, Mar. 13) providing that any town might by a two-thirds vote revoke its adoption of the

official ballot law of 1890; and another ('93 ch.465, June 9) authorizing the adoption of the McTammany voting machine by any town.

In 1895 there was adopted a new definition of the political parties which could nominate candidates for public offices by convention or caucus ('95 ch.323, Apr. 25). The provisions in regard to the filing of "nomination papers" were slightly altered ('95 ch.253, Apr. 6; ch.262, Apr. 10). And it was provided ('95 ch.196, Mar. 30) that the names of candidates nominated to fill vacancies should be printed on the ballot apart from those of candidates nominated for the full term, and should be followed by the words "To fill vacancy."

In 1896 cities and towns were authorized to adopt the McTammany voting machine for all elections and the state ballot law commission was directed to prescribe rules for its use ('96 ch.498, June 5). The law in regard to certificates of nomination was also amended ('96 ch.469, June 4).

In 1897 (ch.482, June 9) the provision fixing the order of the candidates' names under the title of each office was amended by providing that the names of candidates for the same office but for different terms of service therein should be arranged in groups according to such terms of service, the alphabetical arrangement being otherwise retained.

In 1898 the number of ballots to be provided for town elections was altered ('98 ch.163, Mar. 12) and the whole election law was recodified and re-enacted ('98 ch.548, June 21).

In 1899 (ch.220, Apr. 1) it was provided that if a candidate were nominated by more than one party or group of voters he might select the order in which the several party or political designations should follow his name on the ballot; if he failed to do so the officer furnishing the ballots was to settle the order himself.

In 1900 (ch.231, Apr. 13) it was provided that when more candidates bearing the same political or other designation were nominated for any office, otherwise than by nomination papers, than there were persons to be elected to such office, the officers charged with settling disputes as to nominations should determine which candidates, if any, were entitled to such designation, and that no greater number of candidates for any office, bearing the same political designation, nominated otherwise than by nomination papers, should be placed upon the official ballot than there were persons to be elected to such office.

In 1901 the form of "nomination papers" was slightly altered (ch.435, May 23) and the adoption of voting machines for the city of Boston was put under the control of the mayor and the board of election commissioners (ch.531, June 19).

In 1902 the election law was recodified and re-enacted as chapter 11 of the revised laws of that year.

In 1904 (ch.275, Apr. 30) a slight change was made in the form of "nomination papers."

In 1906 (ch.444 § 4-5, May 31) the law in regard to "nomination papers" and to the depositing of ballots in the ballot-box was further amended.

In 1907 the law in regard to "nomination papers," the political designations of candidates, and the arrangement of the candidates' names on the ballot was slightly amended (ch.429 § 6-8, May 17). The entire election law was also recodified and re-enacted ('07 ch.560, June 26). On October 30th of the same year the use of voting machines was declared unconstitutional by the supreme judicial court (*Nichols v. Board of Election Commissioners of the City of Boston*, 196 Mass. 410).

At the session of 1909 a proposed amendment to the constitution, expressly authorizing the use of voting machines, was passed for the first time by the legislature. It was repassed by the legislature in 1910, but as no provision was included submitting it to the people for ratification it has not yet been finally voted on.

#### MICHIGAN

The first Australian ballot law was passed in 1891 (no.190, July 3). This act provided for a "party column" ballot with emblems and with special squares for voting a straight party ticket. Constitutional amendments and other questions submitted were to be printed on the general ballot. There was no limitation as to the number of times a candidate's name might appear on the ballot. Except for the amendments noted below, this act is still in force.

In 1893 (no.202, June 1) it was slightly amended. It was provided that the "party columns" should be arranged on the ballot according to the size of the votes of the several parties at the last preceding election. The instructions in regard to the manner of marking the ballot were altered, and sample or "instruction ballots" were provided for.

In this same year ('93 no.98, 99, May 24) the use of the Rhine and Myers types of voting machines was authorized for township,

city and village elections when adopted by the common council of a city or village or by a township board.

In 1895 (no.17, Mar. 14; no.271, June 5) it was provided that the name of no candidate should appear in more than one column on the ballot, but that if a candidate were nominated by two or more parties or groups he might choose in which column his name should appear. If he failed to do so it was to be printed in the column of the party which first filed a certificate of his nomination. The provisions as to the party emblem, the form of ballot, the method of filling vacancies, and the distribution of ballots were also slightly amended ('95 no.271).

In this same year ('95 no.76, Apr. 17; no.85, Apr. 18) the use of the Abbott and the Myers types of voting machines was authorized for all elections when adopted by townships, cities or villages.

In 1897 (no.59, Mar. 31) the rules for marking the ballot were slightly amended.

In the same year ('97 no.61, Apr. 1) the use of any thoroughly tested and reliable voting machine was permitted for all elections at the option of county boards of supervisors and city and village councils, and the qualifications of such machines were prescribed.

In the same year ('97 no.266, June 4) a separate ballot was provided for all constitutional amendments and other questions submitted.

In 1901 (no.214, June 6) the order in which the various offices should be printed on the ballot was prescribed and a detachable numbered stub at the corner of each ballot was provided for. The method of distributing ballots to the voters and the rules for marking the ballot were also amended.

In 1903 (no.234, June 18) the act of 1897 in regard to voting machines was amended.

In 1905 (no.25, Mar. 20) candidates for the office of circuit judge in the tenth judicial circuit were excepted from the provision limiting the number of times a candidate's name might appear on the ballot. Another minor amendment in regard to the distribution of ballots to the voters was also adopted ('05 no.55, Apr. 12) and the voting machine act of 1897 was again amended ('05 no.217, June 13).

In 1907 (no.154, June 17; no.287, June 27) the voting machine laws were revised and re-enacted, all previous laws being repealed.

In 1909 (no.192, June 1) the method of initialing ballots by the election officers before their delivery to the voters was altered.

By another act ('09 no.214, June 2) the voting machine law was considerably amended. The section relating to the form of ballot for general elections was also amended so as to apply to ballots to be used in voting machines ('09 no.302, June 2).

#### MINNESOTA

The first Australian ballot law was adopted in 1889 (ch.3, Apr. 24) and applied only to elections in cities of 10,000 inhabitants or over. It provided for an "office group" ballot but if a voter wished to vote a straight party ticket he might put a single cross (X) mark opposite the name of one candidate of any party near the head of the ticket and this mark would be counted as a vote for all the candidates of that party. No special arrangement of the candidates' names under each office was provided for in the text, but in the appended form of ballot a Republican was placed first, a Democrat second, and a Prohibitionist third, in every case. White ballots were provided for for all candidates, constitutional amendments and questions to be voted for throughout the entire state; blue ballots for all other candidates and questions voted for throughout a single county; and red ballots for all other candidates and questions voted for in any one city. Each candidate's name was to be followed by his party designation.

In 1891 (ch.4, Apr. 20) this law was repealed and a new law was enacted to apply to the whole state. The "office group" form of ballot was retained, but the special provision for voting a straight ticket was abolished. The arrangement of the names of the candidates of each party was to be settled by lot and was to be the same under each office group. In other respects the provisions of the law of 1889 were retained.

In 1893 (ch.4, Apr. 21) the law of 1891 was repealed and re-enacted in slightly different form. The arrangement of the names of the candidates under each office was to be not by lot but according to the size of the vote polled by their respective parties at the last preceding election. The order of the several offices was left to the officer furnishing the ballots. In other respects the form of ballot, etc. remained the same as under the law of 1891.

In 1895 the number of signatures for nominations by petition was altered ('95 ch.135, Apr. 25); it was provided that if a candidate were nominated by more than one party the name of the party by which he was first nominated should be placed first after his name ('95 ch.136, Apr.25); and certain provisions of the law

of 1893 were extended to apply to separate village elections ('95 ch.139, Apr. 23).

In 1897 (ch.190, Apr. 21) a slight amendment was made in the provision as to the printing of the white ballots.

In the same year ('97 ch.296, Apr. 23) the use of voting machines was permitted at all elections when the same were adopted by any county, city or village.

In 1899 (ch.315, Apr. 20) a new statute on the subject of voting machines, very similar to that of 1897, was enacted, but the latter was not repealed.

In 1901 (ch.88, Mar. 27) the indorsement on the back of the ballot was altered and also the form in which constitutional amendments and other questions were to be printed. Where two or more persons were to be elected to any office, it was provided that the names of all the candidates for such office should be rotated on the ballots so that each name should stand in each position on an equal number of ballots.

In the same year ('01 ch.109, Apr. 2) the general provision relating to the form of ballot was amended so that all the presidential electors nominated by any one party could be voted for by a single cross mark, and it was provided ('01 ch.312, Apr. 13) that no candidate's name should be followed on the ballot by the designation of more than one political party nor of any party other than that which had first nominated him.

In 1903 (ch.232, Apr. 14) the form of this last provision in regard to party designations was slightly altered. Another act ('03 ch.251, Apr. 18) provided for a separate pink ballot for all constitutional amendments and other questions to be voted on throughout the entire state, and the method of distributing official ballots was slightly altered ('03 ch.168, Apr. 10). It was further provided ('03 ch.90, Mar. 26) that no person should sign more than one nominating petition for the same office (unless there were more than one person to be elected to such office) and that no participant in any primary should afterwards sign a "nomination paper."

In 1905 (ch.87, Mar. 30) a separate lavender ballot was provided for all amendments to city charters or questions submitted to the voters in any city. Another act ('05 ch.134, Apr. 11) altered the number of signatures required for nominating petitions. Still another ('05 ch.214, Apr. 17) amended the provisions as to the distribution of ballots, and a third repealed the laws of 1897

and 1899 in regard to voting machines and replaced them by a more comprehensive statute ('05 ch.267, Apr. 18).

In 1909 (ch.64, Mar. 12) the voting machine law was slightly amended.

It was further enacted ('09 ch.170, Apr. 10) that cities having "home rule charters" might provide in such charters for the commission form of government and prescribe a form of ballot for municipal elections.

#### MISSISSIPPI

The first Australian ballot law is contained in an ordinance of the constitutional convention of 1890 (Journal of the Constitutional Convention of 1890, p.685).

The Constitution of 1890 had provided (art.12 § 240) that "all elections by the people shall be by ballot"; also (art.12 § 246) that "prior to the first day of January, 1896, the elections by the people in this state shall be regulated by ordinance of this convention." The ordinance itself provided (§ 18) that all laws and parts of laws in conflict with any of its provisions should be repealed and that it should take effect on January 1, 1891. The form of certain sections of this ordinance was altered by the Code of 1892, in which it was embodied.

According to the constitutional provision above quoted, the ordinance was to remain in force until January 1, 1896, but as practically no amendments have been adopted up to the present time, it still remains in force and its provisions appear in the Code of 1906 in almost identically the same form as in that of 1892.

The only amendment that has been made was necessitated by the direct primary law ('02 ch.66 § 23, Mar. 4). This law provided that no candidate's name should be placed on the ballot as a party nominee unless such candidate had been nominated in accordance with its provisions. This provision repealed (though not explicitly) parts of section 3652 of the Code of 1892; and the corresponding section of the Code of 1906 (§ 4159) has been changed to harmonize with it.

#### MISSOURI

The first Australian ballot law was passed in 1889 (p.105, May 16; included in the Revised Statutes of 1889 as ch.60 art.3). This law applied only to cities and towns of over 5000 inhabitants. It provided for a "party column" ballot with no special method of voting a straight party ticket. The voter was to mark the ballot

by erasing the names of all the candidates except those for whom he wished to vote and all answers to questions except those which he wished to give. No provision was made in this act for the printing of constitutional amendments or other questions submitted either on the general ballot or on a separate ballot. An earlier act passed in 1881 (p.88) had prescribed that all constitutional amendments submitted to the voters at any one election should be printed on the same ballot but had not specified whether or not this ballot should be the same as that containing the names of candidates. This act of 1881 was not repealed by the act of 1889.

In 1891 (p.133, Apr. 4) the act of 1889 was amended and extended so as to apply to the whole state, only certain local elections being exempted from its provisions. The provisions as to certificates of nomination, the printing and delivering of ballots and the conduct of the election were slightly amended and it was provided that in marking his ballot the voter should first erase, by drawing lines through them, the party groups of candidates for which he did not wish to vote, and should then, if he desired to split his vote, strike out the names of any candidates in the remaining group whom he did not wish to vote for and insert other names below them.

In 1893 (p.153, Apr. 18) the method of erasing any party group on the ballot was more clearly specified, and the provisions as to filing certificates of nomination were amended. Further slight changes as to the number and delivery of ballots were made by two other acts ('93 p.152, Apr. 7; p.153, Mar. 28).

In 1895 (p.170, Mar. 16) the law was amended so as not to apply to elections in cities of the fourth class or in cities of under 3000 inhabitants existing under any special law or in villages. Another act ('95 p.170, Apr. 11) amended the provisions in regard to the printing of ballots for constitutional amendments but did not explicitly state whether these ballots should be separate from those containing the names of candidates. (An inspection of the ballots themselves, however, shows that under this law, which was in force November 8, 1910, the ballots for constitutional amendments were separate from those for candidates).

In 1897 (p.107, Mar. 16) the "blanket" form of ballot was abolished and separate official ballots for each party were provided for. Each voter was to be given a complete set of ballots pinned together at the top and was to take them with him to the voting booth, prepare the one which he wished to vote by erasing any names thereon, if he so desired, and substituting others, fold all of

the ballots alike and return them all to the judges. The ballot which he had voted was then to be deposited in one ballot-box and all the rest in another. The judges were to write their initials on the back of every ballot before delivering the same to a voter and as each ballot was deposited in the ballot-box the voter's number from the poll-list was to be written on the back.

In 1899 (p.199, Mar. 25; p.200, May 18) the provisions in regard to certificates of nomination were amended. By another act of the same year (p.201, May 18) it was provided that the printing and distribution of ballots and cards of instruction and the publication of lists of nominations to office should be done under the direction of the county courts of the several counties.

In 1901 (p.144, Mar. 14) a slight amendment was adopted in regard to the use of party names on the ballot.

In 1909 (p.492, June 14) the form of ballot for constitutional amendments was altered by providing that the full text, and not merely the substance, of each amendment should be printed on the ballot. It was also provided that all other questions submitted to popular vote at the general election should be printed on the same ballot as constitutional amendments.

In the same year ('09 p.554 § 6, June 12) it was provided that the secretary of state should certify to the several county clerks a number and ballot title for every measure proposed by initiative petition or by referendum, and that such measures should be printed by such titles and voted on in the manner then provided or which should thereafter be provided by law for voting on other measures submitted to popular vote.

#### MONTANA

The first Australian ballot law was adopted in 1889 (p.135, Mar. 13). This act provided for the "office group" form of ballot with a special method, however, of voting a straight party ticket. The names of the candidates were to be arranged in alphabetical order under the title of each office, each followed by the name of the party by which the candidate had been nominated. Constitutional amendments and other questions submitted were to be printed on the general ballot. There was no limitation as to the number of times a candidate's name might be printed on the ballot. No detachable stubs or system of numbering the ballots were provided for.

In 1895 (Pol. C. '95 pt3 tit.2 ch.5 § 1273, ch.9; not printed in the session laws of 1895; acts approved March 14 and 19) this act was amended in several important particulars. The "office

group" form of ballot was abandoned and the "party column" form with special circles for voting a straight party ticket adopted. The order of the several "party columns" was left to the authorities charged with furnishing the ballots (Act app. Mar. 19). The method of nomination by certificates signed by independent voters was also amended (Act app. Mar. 14), and provision was made for the posting of sample ballots in the polling places.

In 1901 (p.117, Mar. 7) the law was again amended. The special provision for voting a straight party ticket was stricken out and the rules for marking the ballot were altered to correspond with this change. The voter was forbidden to bring with him into the voting booth any unofficial sample ballot to assist him in marking his own ballot, and a number of additional safeguards were thrown around the handling of the ballots on election day and the conduct of the election.

In 1907 (ch.88 p.210, passed over the governor's veto Mar. 4) it was provided that no candidate's name should appear on the ballot in more than one column. Detachable numbered stubs were also provided for. The provision as to the printing of constitutional amendments and other questions was also altered and certain other sections were amended to conform to these changes.

In the same year ('07 ch.168, Mar. 8) the use of voting machines of any type approved by a state board of voting machine commissioners and complying with the act itself was made mandatory in cities and counties of the first class and optional elsewhere throughout the state.

By still another act ('07 ch.62 § 5-6, Mar. 2) separate ballots were provided for for questions submitted by initiative and referendum.

In 1909 (ch.113, Mar. 8) it was provided that candidates for judicial offices should be nominated only by petition and that the names of judicial candidates otherwise nominated should not be printed on the official ballots.

By another act ('09 ch.99, Mar. 6) the voting machine law was considerably amended.

#### NEBRASKA

The first Australian ballot law was adopted in 1891 (ch.24, Mar. 4). It provided for the "office group" form of ballot with no special method of voting a straight party ticket. The names of the candidates were to be arranged alphabetically under the title of each office. Constitutional amendments and other questions submitted were to be printed on the general ballot.

In 1895 (ch.5, Apr. 8) it was provided that there should be a separate ballot for constitutional amendments and other questions whenever more than one amendment or question was submitted to the voters at any election.

In November, 1896, an amendment to article 7 section 6 of the Constitution of 1875, authorizing the use of voting machines, was rejected by the people ('95 ch.114, Mar. 29).

In 1897 (ch.31, became law without the governor's signature after the end of the session, May 10) the act of 1891 (as embodied in the Compiled Statutes of Nebraska for 1895) was wholly repealed and re-enacted with important amendments. The "office group" form of ballot was abandoned and the "party column" form of ballot was adopted with emblems and with special "party circles" for voting a straight ticket. The columns were to be arranged from left to right according to the size of the votes of the several parties at the last preceding election, but the petition column was always to be placed at the extreme right. Questions submitted were to be placed on the regular ballot.

In 1899 (ch.26, Apr. 5) this law was amended. The "party column" form of ballot was abandoned, and the "office group" form again adopted, with no special method of voting a straight ticket. The names of the candidates of the several parties were to be arranged under the title of each office according to the size of the vote cast by each party at the preceding election. The provisions governing nominations and certificates of nomination were also amended. When any candidate was nominated by two or more parties, the titles of all such parties were to be printed after his name on the ballot.

In the same year ('99 ch.29, Apr. 1) "party circles" for voting a straight ticket were readopted, the "office group" form of ballot, however, being in other respects retained. It was provided that constitutional amendments were to be printed on the general ballot and that the name of any party which had officially indorsed or opposed any amendment should be printed beneath it opposite the word "Yes" or "No" as the case might be. Other changes in regard to certificates of nomination and the conduct of the election were also made.

In 1903 (ch.41, Apr. 10) it was provided that in precincts containing more than one road district each elector should vote only for the overseer of the district in which he lived and that the judges should cross out the other name or names for which he was

not entitled to vote, before handing him his ballot. The position of constitutional amendments and other questions on the ballot was also altered.

In 1905 (ch.67, Apr. 1) the voting machine act of 1899 was repealed and re-enacted in different form. A state board of voting machine commissioners was provided for and the use of any machine approved by them and complying with the terms of the act itself was authorized whenever a local governing body chose to adopt it.

In 1909 (ch.53, Apr. 5) it was provided that candidates for judicial and educational offices should not be "nominated, indorsed, recommended, censured, criticised or referred to by any political party in any manner whatsoever, nor shall any candidate for any of said offices be in any manner designated by any party name, emblem, or designation of any kind whatsoever . . ." Candidates for these offices were to be nominated only by petition, and their names were to be printed on a separate ballot, known as the "official non-partisan ballot." The names of candidates for each office were to be arranged under the title of the office in rotation, so that the name of each candidate should appear in each position on the same number of ballots as that of each other candidate.

This act, however, was declared unconstitutional by the supreme court (*State v. Junkin*, 85 Neb. 1; 122 N. W. 473) on August 18, 1909.

#### NEVADA

The first Australian ballot law was adopted in 1891 (ch.40, Mar. 13). It provided for the "office group" form of ballot with no special method of voting a straight party ticket. The names of the candidates were to be arranged in alphabetical order under the title of each office, each candidate's name being followed by his party designation. Except for the amendments noted below, this act is still in force.

In the same year ('91 ch.75, Mar. 19) a slight amendment in regard to the filing of certificates of nomination was adopted.

In 1893 (ch.106, Mar. 6) the method of making independent nominations was altered, the provisions as to the filing of certificates of nomination were again amended and slight changes were made in regard to the certification of state nominations by the secretary of state to the county clerks and in regard to the method of printing the official ballot.

In 1899 (ch.83, Mar. 14) the number of ballots to be provided for each polling place was altered. Another act ('99 ch.75, Mar. 14) slightly amended the method of printing the ballots.

In 1901 (ch.100, Mar. 21) the rules for marking the ballot were slightly amended.

#### NEW HAMPSHIRE

The first Australian ballot law was adopted in 1891 (ch.49, Apr. 10). It provided for an "office group" form of ballot with no special method of voting a straight party ticket. The names of the candidates were to be arranged in alphabetical order under the title of each office. Each candidate's name was to be followed by his party or political designation; that of a candidate nominated by petition was to be followed by the words "nomination paper." Constitutional amendments and other questions submitted were to be printed on the general ballot.

In 1897 (ch.78, Mar. 24) this act was amended. The "office group" form of ballot was abandoned and the "party column" form with emblems and with a special method of voting a straight party ticket was adopted. In certain respects the act of 1891 was left unaltered. The act of 1897 remains in force at the present time.

#### NEW JERSEY

No Australian ballot law providing for an official "blanket" ballot has yet been adopted in New Jersey.

In 1890 (ch.231, May 28) there was adopted a "ballot reform law" which provided for the printing and distribution of ballots at public expense, the ballots, however, being separate for each party. Each ballot was to contain, under the name or title of the party or under the words "independent nominations," the names of all the candidates nominated by such party or group of voters and no other mark, word, device or figure of any sort. Official envelopes were also provided for with the same official indorsement on the face as that on the back of the official ballot. These envelopes were to be obtainable by the voters only from the election officers at the polls on election day. Official ballots, on the other hand, could be obtained from the officers charged with having them printed, in lots of fifty or more, on application by any voter at least ten days before the election and on prepayment of the cost of printing; and the ballots so obtained could be distributed to the voters for use in place of those given out at the polls on election day. Questions and propositions submitted were to be

printed on the general ballot. A voter could erase any name on the ballot and write in another or substitute another name by means of a paster before coming to the polls. Ballots could also be obtained in each voting booth and there marked if the voter so preferred. In any case the voter, while in the voting booth, was to inclose his ballot in an official envelope, which was to be returned unsealed to the election officers to be deposited in the ballot-box. Although this law has since been amended and re-enacted, its provisions are almost the same as those of the present law.

In 1891 (ch.128, Mar. 23) the provisions in regard to official envelopes were slightly amended, and the procedure at town meetings was regulated.

In 1892 (ch.68, Mar. 15) the provisions in regard to the filing of certificates of nomination and to the form of the official ballots were slightly amended. The time for applying for and receiving ballots for distribution in advance was altered.

In 1893 (ch.238, Mar. 17) the percentage of the total vote cast at the preceding election necessary to constitute a political party within the legal definition, was changed from five per cent to two per cent, the method of making nominations by petition was amended, the form of the official indorsement on the backs of the ballots was slightly altered, and the number of ballots to be provided for each election district was changed.

In 1897 (ch.18, Mar. 9) it was provided that the official envelopes should be of blue paper and all exactly similar.

In 1898 (ch.139, Apr. 4) all the previous laws relating to the subjects of this digest were repealed, and re-enacted in the revised election law of that year. Practically no important changes were made in the substance of this part of the law, but its application was restricted to general elections and to local charter, municipal and special elections in cities (local etc., elections elsewhere than in cities being exempted from its provisions). A very similar set of rules, however, was provided for such other elections.

In 1900 (ch.114, Mar. 23) the method of printing on the ballot questions and propositions submitted to popular vote was slightly amended; also the rules for marking the same.

In 1901 (ch.155, Mar. 22) the application of the provisions of the act of 1898 governing the subjects dealt with in this digest was extended to charter, local, municipal and special elections in all the towns of the state, as well as in the cities.

In 1902 (ch.70, Apr. 1) these same provisions of the act of 1898 were made applicable to all charter, local, municipal and special elections in municipalities of any sort having a population of over 8000.

In the same year ('02 ch.205, Apr. 9) an act was passed authorizing the adoption, for use in any election district at any election, by the governing body of any county, city, town, etc., of any type of voting machine approved by a state board of voting machine commissioners created by the act.

In 1903 this voting machine act was amended several times (ch. 87, Mar. 25; ch.171, Apr. 8; ch.193, Apr. 8), and the provisions of the act of 1898 in regard to the filing of certificates of nomination were also amended (ch.259, Apr. 14).

In 1904 (ch.242, Apr. 5) the method of filing certificates of nomination was again amended.

In 1905 (ch.215, Apr. 28) a new voting machine law was enacted authorizing the purchase by the state board of voting machine commissioners of any voting machines approved by them and complying with the requirements of the act itself and the distribution of such machines by the secretary of state to any election districts for use at all elections. The governing body of any county might also purchase voting machines for use in any election districts in the county.

In 1906 (ch.234, May 16) it was provided that the officer printing the ballots should print a full list of offices on each ballot, whether or not a given party had nominated a full list of candidates.

In 1908 (ch.163, Apr. 10) the voting machine act of 1905 was amended to provide for a special election in any election district on petition of 25 per cent of the registered voters of such district, to pass upon the question whether or not voting machines should continue to be used.

In 1910 (ch.78, Apr. 1) the provisions in regard to the distribution of ballots by municipal clerks were amended. In the same year ('10 ch.84, Apr. 1) the form of ballot was slightly altered by a provision that the term for which each officer was to be elected should be indicated, if at all, on a separate line below the title of the office. The provisions in regard to voting machines were also slightly amended ('10 ch.284, Apr. 12).

## NEW MEXICO

Up to 1905 no law was passed in New Mexico providing for official ballots and even since then no complete Australian ballot law has been adopted.

In 1889 (ch.135, Feb. 28) a law was adopted regulating the form of ballot more strictly than theretofore. The size and quality of paper were prescribed and it was provided that there should be no mark or designating device on the back which could be seen when the ballot was folded. Emblems for each of the several party ballots were provided for and only the names of the candidates regularly nominated by each party could be lawfully placed thereunder. A voter, however, could erase any name and substitute another or could have someone else do this for him. False or misleading ballots were forbidden.

In 1891 (ch.85, Feb. 26) section 2 of this act was amended by striking out the provision that it should be unlawful for any person to print, circulate or have in his possession any ballot containing the names of any persons as candidates of a party who had not been duly nominated by such party, and the proviso that this should not be construed to prevent a voter from erasing any names on the ballot which he actually voted and substituting other names or from having someone else do this for him. The prohibition against false or misleading ballots was, however, left unchanged and it was provided that no ballot should have printed on the back any mark or number or designating device.

In 1893 (ch.76, Feb. 23) the method of numbering the ballots themselves and of marking the number of each ballot opposite the name of the voter on the poll-book, was abolished.

In 1903 (ch.59, Mar. 14) the law was again amended and the method of choosing an emblem and the printing of the ballots by the several parties were more strictly regulated to prevent the circulation of false or misleading ballots.

In 1905 (ch.127, Mar. 16) the law of 1903 was repealed, and the present law enacted.

In 1909 (ch.105, Mar. 18) the section of the law of 1905 prescribing the form of ballot for general elections was amended so as not to apply to elections of justices of the peace or school directors.

## NEW YORK

Until 1895 no real Australian ballot law was adopted in New York State.

In 1890 (ch.262, May 2) a law was adopted providing for separate official ballots for each party or independent group. Each such ballot was to contain only the names of the candidates nominated by one party or group, but no party names or captions were to appear. Blank ballots were also to be furnished containing only the titles of the offices to be voted for. Each ballot was to have a detachable stub and the stubs of each class of ballots were to be numbered consecutively. The ballots were obtainable by the voters only from the election officers at the polls on election day. Whenever a candidate was nominated to fill a vacancy too late to have his name printed on the official ballots, unofficial ballots could be provided by the voters themselves and cast for him. As each set of official ballots was delivered to a voter, the stub numbers were entered opposite his name on the poll-books and two of the election officers wrote their initials on the stub of each ballot. After preparing the ballot which he intended to vote the voter folded all his ballots alike and returned them to the election officers, who deposited the voted ballot in one box and the unvoted ballots in another, after removing the stubs from all of them.

In 1891 (ch.296, Apr. 29) this act was somewhat amended. Changes were made in the method of making and filing certificates of nomination and in regard to the number of ballots to be provided for each election district, the method of furnishing official ballots and delivering them to local authorities, the conduct of elections and the rules for marking the ballots. The section dealing with the form of ballot was amended by providing that a candidate's name was not to be printed on the ballots if he had withdrawn within a specified period, that the numbering of the ballots should be on the backs thereof and that the method of folding the ballots should be slightly altered. A few further changes in the form and wording of this section were also made. The initialing of ballots by the election officers before their delivery to the voters was abandoned.

In 1892 the whole election law was codified and re-enacted ('92 ch.680, May 18) as chapter 6 of the "General Laws" enacted in that year. The definition of a political party contained in the law of 1890 was omitted and the provisions in regard to the making

and filing of certificates of nomination, as amended in 1891, were again altered in certain details. The form of ballot was slightly changed by the provision that after the names of candidates for the same office but for different terms, should be printed the terms for which they were to be elected. The number of sample ballots to be furnished was also specified and their form more fully prescribed. The provisions as to the date on which official ballots were to be ready and those as to the form and use of paper ballots were also altered. It was provided that there should be two kinds of ballots for each constitutional amendment or other question submitted, both alike on the outside, one for an affirmative and one for a negative vote on such amendment or question. In general, few changes were made in the substance of the existing law, but its form was entirely recast and it was considerably simplified and shortened.

In the same year ('92 ch.127, Mar. 15) the use of the "Myers Automatic Ballot-Cabinet" (or voting machine) was authorized for elections of town officers in all towns in the state if approved by the town board.

In 1893 (ch.82, Mar. 1) this latter act was re-enacted as section 42 of the town law.

In 1894 (ch.764, 765, May 24) the use of the "Myers Automatic Ballot-Cabinet" by all cities except New York and Brooklyn was authorized on adoption by the common council; and the board of supervisors of any county in which one-half or more of the towns had adopted this machine might provide for its use in these towns or others thereafter adopting it. Certain further regulations as to its use were prescribed by law. Towns and villages were authorized to adopt such machines for use at all elections, no particular make being specified.

In 1895 (ch.73, Mar. 5; ch.158, Mar. 2) these two acts of 1894 in regard to voting machines were amended.

In the same year ('95 ch.810, May 29) the general election law as codified in 1892 was also amended. A "blanket" ballot of the "party column" form was provided for with special circles for voting a straight party ticket. The order of the columns was left to the secretary of state to arrange; precedence, however, was to be given to the party which had polled the largest number of votes for the head of the ticket at the last preceding election. A blank column for writing in names was provided for. In columns containing independent nominations there were to be no "party

circles." A separate ballot was to be provided for all constitutional amendments and other questions submitted. The use of pasters or paster ballots by the voters was entirely abolished and rules for marking the ballot were adopted practically identical with those now in force. The method of certifying party and independent nominations was also amended.

In 1896 (ch.909, May 27) the whole election law was recodified and re-enacted as chapter 6 of the General Laws and the laws of 1890, 1891, 1892 and 1895 were repealed. A political party entitled to nominate by convention was defined as one which had cast 10,000 votes for governor at the last preceding election and the number of signatures required for independent certificates of nomination was altered. It was provided that "party circles" should be placed above the columns of independent nominations just as above the "party columns." In other respects the existing law was merely rearranged.

In the same year ('96 ch.163, Mar. 30) the act of 1894 as to the use of the "Myers Automatic Ballot-Cabinet" was amended and an act was passed allowing towns and cities to adopt the "Davis Automatic Ballot-Machine" for use at all elections ('96 ch.339, Apr. 21).

In 1897 (ch.379, May 6) the method of filing certificates of nomination was amended; also the provision as to the distribution of ballots. The application of the election law was also slightly altered ('97 ch.609, May 19) by adding to the elections excepted from its provisions elections of officers of fire districts outside of cities and incorporated villages, and by providing that at such excepted elections "any form of ballot which may be adopted and used by the meeting at which such election shall be had shall be legal."

In the same year ('97 ch.449, May 17) the adoption of the "Boma Automatic Ballot-Machine" by cities and towns was authorized, and by another act ('97 ch.450, May 17) a state board of voting machine commissioners was created to examine all types of voting machines submitted and to report to the secretary of state concerning them.

In 1898 (ch.335 § 5, Apr. 20; ch.363 § 9, Apr. 20) the form of certificates of nomination and the method of filing the same were amended and the rules for marking the ballot were slightly altered.

In the same year ('98 ch.340, Apr. 20) the act of 1894 providing for the use of the "Myers Automatic Ballot-Cabinet" was amended and by another act ('98 ch.168, Mar. 29) the adoption of the "Standard Automatic Voting Machine" by cities, towns or villages was authorized.

In 1899 (ch.363, Apr. 18) the method of certifying independent nominations and the provision as to the number of signatures required, were amended.

In the same year a new article (art.7), in which the existing law on the subject of voting machines was systematized and re-enacted, was added to the election law. Local authorities were authorized to adopt any type of machine approved by the state board of voting machine commissioners or specially authorized by law for use at any or all elections. Most of the existing special acts were repealed ('99 ch.466).

In 1900 (ch.381, Apr. 11) the method of filing certificates of nomination was amended and the form of ballot for constitutional amendments and other questions submitted was slightly altered.

In 1901 (ch.95, Mar. 13; ch.654, May 3) the method of filing certificates of nomination was again amended and the form of ballot for questions submitted was slightly altered ('01 ch.598, Apr. 27). By another act ('01 ch.530, Apr. 25) the law in regard to voting machines was amended.

In 1902 (ch.176, Mar. 18; ch.241, Mar. 26; ch.405, Apr. 7) the method of filing certificates of nomination was further amended.

In 1907 (ch.654, July 20) the law in regard to voting machines was again amended.

In 1908 (ch.491, May 23) the law in regard to voting machines was still further amended.

In 1909 the whole election law was consolidated and re-enacted as chapter 17 of the Consolidated Laws ('09 ch.22, Feb. 17). It was later slightly amended in regard to voting machines ('09 ch. 465, May 24).

#### NORTH CAROLINA

Up to the present time no Australian ballot law has been adopted in North Carolina, except a local act applying only to New Hanover county.

From 1889 to 1895 the ballot law of the state was contained in chapter 16, vol. 2, of the Code of 1883 (§ 2685-88). These sections provided for six separate ballots for different officers, or groups of officers, as follows: (1) state officers; (2) members of

Congress elected by districts; (3) members of Congress (if any) elected at large; (4) judicial officers; (5) members of the general assembly; (6) county officers. The ballot was to be of white paper, might be printed or written or partly printed and partly written, and was to be without device of any sort. In practice the ballots were unofficially printed and distributed and were merely brought to the polls by the voters and there deposited.

In 1895 (ch.159, Mar. 8) chapter 16, vol. 2, of the Code of 1883 and all subsequent laws relating to elections were repealed and a new statute enacted. This law provided that there should be but two separate ballots, one for state and national officers and another for local officers. The other provisions as to the form of ballot, etc., were merely re-enacted from the earlier code.

In 1897 (ch.185, Mar. 9) this act was amended to provide for a third separate ballot for township officers and also to provide that the state or county executive committee of any party might adopt a device or emblem for use on the party ballots, and that, upon the filing of such device with the proper public officer, it should be unlawful for anyone else to make use of this device in any way. It was provided, however, that nothing in this law contained should be construed to prevent any voter from erasing any name or names on his ballot and substituting others in writing.

In 1899 the laws of 1895 and 1897 were repealed ('99 ch.16, Jan. 26) and a new election law was enacted ('99 ch.507, Mar. 6). This law provided for five separate ballots for different groups of officers, as follows: (1) state officers; (2) higher judicial officers; (3) members of the general assembly; (4) county officers; (5) township officers. Nothing was said definitely about members of Congress or presidential electors, but it was implied that they were to be voted for on a sixth separate ballot. All ballots of any one kind were to be of the same size and all were to be printed on white paper without ornament, symbol or device and were to contain nothing but the printed names of the candidates, their addresses, and the offices for which they were nominated. The state and county boards of elections were to prescribe the size and color of the paper to be used for the various kinds of ballots, to notify the state, district and county chairmen of the several political parties in regard to the same, and to provide samples of paper to be furnished by designated public officers upon application. The proviso allowing any voter to alter his ballot was retained and he was given permission to do so by the use of pasters as well as by writing.

In 1901 (ch.89, Mar. 14) the law of 1899 and all other laws in conflict with this act were repealed and the election law now in force in all counties of the state, except New Hanover county, was enacted.

In 1909 an Australian ballot law was enacted to apply only to New Hanover county ('09 ch.867, Mar. 8). It provided for a "party column" form of ballot with special circles for voting a straight party ticket. The party which had polled the largest vote at the preceding general election was to be given the first column at the left of the ballot. At the extreme right of the ballot there was to be a blank column for writing in names. Constitutional amendments were to be printed on the general ballot after the lists of candidates. Each ballot was to have a detachable stub. These stubs were to be consecutively numbered on the back and were to contain blank spaces for the name of the voter and the designation of the precinct. Each ballot was to be initialed on the back by one of the election officers before delivery to a voter. The printing and distribution of the official ballots and the conduct of the election were provided for in considerable detail.

#### NORTH DAKOTA

The first Australian ballot law was adopted in 1891 (ch.66, Mar. 7). It provided for the "office group" form of ballot with a special method of voting a straight party ticket by means of a cross (X) mark opposite the party name printed at the top of the ballot. (The names of all parties which had polled five per cent of the total vote at the last preceding election were so printed.) The names of the candidates were arranged in alphabetical order under the title of each office, each candidate's name being followed by that of the party or principle which he represented. Constitutional amendments and other questions submitted were printed on the general ballot. There was no provision limiting the number of times a candidate's name might appear on the ballot nor were detachable stubs or any system of numbering the ballots provided for.

In 1893 (ch.60, Mar. 13) this law was amended. The "party column" form of ballot was substituted for the "office group" form and no special method of voting a straight party ticket was provided. The several columns were to be arranged in the same order as at present.

In 1895 in the Revised Political Code enacted in that year (R. P. C. '95 ch.8) certain changes were made in the form of the law.

In 1897 (ch.76, Mar. 9) special squares were added for voting a straight party ticket and a separate ballot was provided for all constitutional amendments and other questions submitted. The present provision limiting the number of times a candidate's name might appear on the ballot was also introduced. Separate ballots were to be provided for local questions submitted.

In 1899 in the Revised Political Code of that year (R. P. C. '99 ch.8) certain changes were made in the form of the law.

In 1901 (ch.48, Mar. 8) an amendment was passed in regard to certificates of nomination and as to conflicts between two or more organizations claiming to represent the same party.

In 1905 in the Revised Political Code of that year (R. P. C. '05 ch.8) a few further changes were made in the form of the law.

In 1909 (ch.82, Mar. 6) it was provided that there should be a separate ballot for supreme court and district court judges and that this ballot should contain no party designations after the names of the candidates. The ballot was to contain only the names of the two candidates who had received the highest vote at a non-partisan primary election.

#### OHIO

The first Australian ballot law was adopted in 1891 (ex. sess. p.449, Apr. 30). It provided for a "party column" form of ballot with a special method of voting a straight party ticket. The order of the several columns on the ballot and, indeed, most of the provisions of this act, were the same as those of the present law. Constitutional amendments and other questions submitted were printed on the general ballot after the lists of candidates.

In 1892 (p.432, Apr. 18) this act was amended. A regular "party circle" of the same form as at present was added for voting a straight party ticket. It was provided that constitutional amendments and other questions submitted should be printed on separate ballots. The provisions as to certificates of nomination and the rules for marking the ballot were also amended.

In 1893 (p.263, Apr. 25) the provisions in regard to the filing of certificates of nomination, the distribution of ballots, and the delivery of ballots to voters at the polls, were amended.

In 1894 (p.118, Apr. 5) the rules for marking the ballot were amended, and by two other acts ('94 p.242, May 15; p.291, May 18)

the provisions as to the printing of ballots and the payments thereof were slightly altered.

In 1896 (p.185, Apr. 17) it was provided that no candidate's name should be printed on the ballot in more than one column, but members of school boards and boards of education were exempted from this provision. The candidate, if nominated by two or more parties, could choose in which column his name was to be printed, but if he failed to do so it was to be put under the emblem of the party which first nominated him.

In 1898 the provisions in regard to the filing of certificates of nomination were amended ('98 p.93, Apr. 8; p.189, Apr. 21). By another act ('98 p.277, Apr. 25) the adoption of voting machines by any city, village, town, precinct or other civil division of the state by a majority vote at a special election, for use at all elections, was authorized, provided the type of machine had been approved by a state voting machine commission created by this act.<sup>1</sup>

In 1900 (p.308, Apr. 16) this latter act was slightly amended to provide that the question of adopting voting machines could be submitted at any general election as well as at a special election.

In 1902 (p.419, May 1) the voting machine law was again amended to provide for the adoption of such machines, without the submission of the question at any election, on petition of 65 per cent of the voters of the political division in question. The other method, however, was also retained.

In the same year ('02 p.352, May 2) the method of printing constitutional amendments on the ballot was altered, and the several parties were allowed to take official action for or against any amendment and to have a record of such action printed in the "party column" on the ballot so that a straight ticket vote would include a vote on the amendment.

In 1904 (p.185, Apr. 23) the greater part of the election law was revised and re-enacted. The general provisions in regard to the subjects dealt with in this digest were retained with very slight changes, but the provision limiting the number of times that a candidate's name might appear on the ballot was repealed and the method of filing certificates of nomination was somewhat amended.

In 1906 (p.116, Mar. 22) separate ballots for members of boards of education were provided for. These ballots were to be of the "office group" form and were to contain no party designations of any sort. The names of the candidates were to be arranged in rotation on the ballots so that each candidate's name should head the list an equal number of times.

<sup>1</sup>This act has been declared unconstitutional. See Part 3 A.

In the same year ('06 p.225-26, became law without governor's signature Apr. 16) the provisions in regard to the use of the detachable stubs on election day and the handling of the ballots were slightly amended.

In 1908 (p.120, Apr. 14) it was provided that constitutional amendments should be printed in the first column at the left of the ballot and the act of 1902 providing for official party action on any amendment was repealed.

In the same year ('08 p.399, May 9) it was provided that at local elections the ballots for township officers and justices of the peace should be separate from those for municipal officers, unless the limits of the township and the municipality should coincide.

In 1909 (p.81, Mar. 12) it was provided that there should be a separate ballot, similar in form to that prescribed by the act of 1906 for members of boards of education and without party designation of any sort, for the election of assessors of real property in each township.

In 1910 (p.34, Mar. 17) it was provided that the printed endorsements on the backs of the separate ballots for municipal and township officers, members of boards of education and township assessors of real property should contain the words "official municipal ballot," "official township ballot," "official board of education ballot" and "official assessors of real property ballot" respectively.

In the same year ('10 p.169, became law May 11 without governor's signature) it was provided that the question "Shall there be a convention to revise, alter or amend the constitution?" should be printed in the first column of the general ballot, and might be acted upon by the several parties, so that a straight ticket vote for any party which had so acted should include a vote on this question.

In the same year ('10 p.228, May 13) the provision in regard to the number of official ballots to be provided for each election district was amended.

#### OKLAHOMA

The first Australian ballot law was adopted in 1890, at the first session of the territorial legislature after the establishment of Oklahoma as a separate territory (Statutes of 1890, compiled from the laws passed at the first session ended December 24, 1890, chapter 33; in effect March 1, 1891). This law provided for a "party column" form of ballot with emblems and with special squares for voting a straight party ticket. Two separate ballots were pro-

vided for, one red for territorial offices and the other white for county offices. The several columns were to be arranged in the following order: (1) Democratic; (2) Republican; (3) People's party; the others as the board of election commissioners furnishing the ballots should determine. Questions submitted to popular vote were to be printed on the general ballot, a "brief statement" of each being given. Local questions were to be printed on the county ballot.

In 1895 (ch.23, Mar. 8) this law was amended. It was provided that no candidate's name should appear on the ballot in more than one column. The provisions in regard to the filing of certificates of nomination were amended and the order of the several party columns was changed, so that the Republican column should come first and the Democratic second, instead of vice versa. It was also provided that the names of the candidates for township offices should be placed at the foot of the respective columns on the county tickets under the heading "Township officers."

In 1897 (ch.14 art.1, March 11) the election law was radically amended. The "party column" form of ballot was abandoned and an "office group" ballot, with no special method of voting a straight party ticket was adopted. The names of the candidates were to be arranged in rotation under the several offices, for example, under the title of governor the order of the candidates might be as follows: Republican, Democratic, People's party, Prohibition; under that of the state treasurer: People's party, Prohibition, Republican, Democratic, and so on. In other words, all parties were to be assigned each position as nearly as possible under an equal number of offices. This arrangement, however, is not described in the text, but appears only in the sample form of ballot printed therewith. Each candidate's name was to be followed by that of the party which he represented. There was to be but one ballot for all officers, territorial, county and township. The candidates for territorial offices were arranged in one column, those for county offices in a second and those for township offices in a third. The limitation as to the number of times that a candidate's name might appear on the ballot was specifically repealed ('97 ch.14 art.3, Mar. 12). The provisions as to the filing of certificates of nomination were also amended.

In 1899 a new election law was enacted ('99 ch.13, Mar. 10) and all acts or parts of acts in conflict therewith were repealed. The "office group" form of ballot was abandoned and the "party

column" form, with emblems and with a special method of voting a straight party ticket, readopted. Several ballots for territorial and for county officers were again provided for and most of the provisions of the law of 1893 were revived, no restriction being made, however, as to the number of times a candidate's name might appear on the ballot.

In 1905 (ch.17 art.1, Mar. 2) this act was amended to provide that no candidate's name might be printed in more than one column on the ballot. If a candidate were nominated by two or more parties he might choose in which column his name should be printed, but if he failed to do so the board of election commissioners furnishing the ballots was to decide. The order of the several columns was to be as follows: (1) Republican; (2) Democratic; (3) People's party; (4) Socialist; (5) Prohibitionist; the other columns as the board of election commissioners furnishing the ballots should determine. Regular "party circles" for voting a straight party ticket were provided for. The provisions as to the filing of certificates of nomination were also amended.

In 1908 (ch.31 art.1, May 29) at the first session of the state legislature a complete election law was enacted and all previous laws on the subject of elections were repealed. The new law, however, was but little changed from that of 1899 as amended in 1905. The several party columns were to be printed, Democratic first, Republican second, and the others in such order as the state election board might direct, precedence, however, being given to the party which polled the largest vote at the last general election. There was no limitation as to the number of times a candidate's name might be printed on the ballot. A double stub system was provided somewhat like that of Kentucky. There were to be separate county ballots for local officers.

In 1909 (ch.16 art.1, Mar. 27) most of chapter 31 article 1 of the laws of 1907-8 was repealed and a new law enacted. The "party column" form of ballot was again abandoned and the "office group" form readopted, with no special method of voting a straight party ticket. Under this law no emblems or party names were to appear anywhere on the ballot. The county election board furnishing the ballots was to have "power to classify the names of candidates for each office in each group in such manner as they may deem proper," but no special arrangement of the names under the title of each office was prescribed in the law itself. There was to be but one ballot for all candidates, state and local, and for all

measures submitted to popular vote. The latter were to be printed by a ballot title.

At this same session ('09 ch.16 art.2, Mar. 13) separate ballots for the election of school officers, as nearly as possible in the form of the general election ballots, were provided for.

In 1910 (ch.111, Mar. 26) the election law of 1909 was repealed and still another law enacted. The "office group" form of ballot was again abandoned, and the "party column" form, with emblems and with special circles for voting a straight party ticket, adopted. One ballot on tinted paper for state and district officers was provided for, and another on white paper for county and local officers. Constitutional amendments and other questions submitted were to be printed on a separate ballot by ballot titles of not over 100 words ('10 ch.66, Mar. 17). Certain questions, however, were to be printed on the general state and county ballots. The provisions in regard to nominations were amended. No detachable stubs or system of numbering the ballots were provided.

#### OREGON

The first Australian ballot law was adopted in 1891 (p.8, Feb. 13) and applied to "all general or special elections hereafter held in this state." It provided for the "office group" form of ballot with no special provision for voting a straight party ticket. The names and addresses of the candidates were arranged alphabetically under the title of each office and each candidate's name was to be followed by the names of all the parties which had nominated him for such office. All the names were to be consecutively numbered beginning at the upper left-hand corner of the ballot with no.12. Constitutional amendments and other questions submitted were to be printed on the general ballot. The same system of double stubs as at present was also provided for.

In 1895 (p.68, Feb. 23) the form of ballot was slightly altered and the present arrangement of the offices in groups—state, county, precinct, etc.—was adopted. The rules for marking constitutional amendments were also changed.

In 1901 (p.349, Feb. 28) the method of filing certificates of nomination was amended and the Australian ballot law was specifically applied to "all general, special and presidential elections held in this state." The provisions in regard to marking the ballot were also amended.

In 1903 (p.250, Feb. 24) the Australian ballot law was applied to all city and town elections in cities and towns of over 2000 in-

habitants and the duties ordinarily performed by the county clerk were, in the case of municipal elections, imposed upon the city recorder or the city or town clerk.

In 1907 (p.398, Feb. 25) the method of printing on the official ballot questions referred to the voters by initiative or referendum, was prescribed. A "ballot title" for each measure was to be framed by the attorney general and, when such measures were printed on the ballot, the answers to all of them (i. e. "Yes" or "No") were to be numbered consecutively beginning with number 300.

#### PENNSYLVANIA

The first Australian ballot law was adopted in 1891 (p.349, June 19). It provided for a mixed form of ballot, partly "party column" and partly "office group," but with a special method of voting a straight party ticket. All the candidates of parties which at the last preceding election had polled at least three per cent of the highest entire vote cast for any officer in the state or in the political division for which the nomination was made were arranged "in groups under the designation of the office" with the party name at the head of each group. The several party "groups" were to be arranged according to the size of the respective party votes at the last preceding election. All candidates other than those above specified were to be nominated by "nomination papers" and their names were to be arranged in alphabetical order under the title of each office. Constitutional amendments and other questions submitted were to be printed on the general ballot after the lists of candidates. The provisions as to the detachable stub were the same as at present, and it was provided that, as long as the constitution should require a voter's number to be written on the back of his ballot, the number should be written in the corner and this corner provided with a gummed flap which might be folded over and pasted down so as to conceal the number. This flap was not to be unsealed except in case of a contested election.

In 1893 (p.419, June 10) this law was repealed and a new law enacted providing for a regular "party column" form of ballot with special "party circles" for voting a straight party ticket. The order of the several columns was to be the same as in the previous law. The definition of parties entitled to a separate column on the ballot was changed from those which had cast three per cent of the total vote at the last preceding election to those which had cast two per cent. The provisions as to the filing of certificates of nom-

ination were also somewhat altered, but in other respects the law of 1893 was almost the same as that of 1891.

In 1897 (p.223, July 9) it was provided that "the name of any candidate shall not appear (i. e. on the ballot) more than once by certificate of nomination or more than once by nomination papers." The provisions as to the filing of certificates of nomination and "nomination papers" were also altered. By another act ('97 p.179, June 22) the provision as to the form of certificates of nomination was amended.

On November 5, 1901, an amendment to article 8 section 4 of the Constitution of 1873 was adopted by the people, authorizing the use of voting machines at any election, repealing the provisions which required the numbering of each ballot on the back and permitting a voter to write his name on his ballot or have it written for him.

In 1903 (p.338, Apr. 29) the form of ballot was again changed. The "party column" form of ballot was abandoned and the "office group" form adopted, but with special squares for voting a straight party ticket. The rules for marking the ballot were correspondingly amended.

#### RHODE ISLAND

The first Australian ballot law was adopted in 1889 (ch.731, Mar. 29). It applied only to national and state officers and members of the general assembly (and to ballots for constitutional amendments) — not to city or town officers. It provided for an "office group" form of ballot with no special method of voting a straight party ticket. The names of the candidates (with their addresses) were to be arranged in alphabetical order under the title of each office, each candidate's name being followed by his political designation. Constitutional amendments were to be printed on the general ballot after the lists of candidates. No provision was made for detachable stubs or for any system of numbering the ballots.

In 1890 (ch.827, Mar. 20; ch.829, Mar. 28) the method of making and filing certificates of nomination was amended (ch.827) and penalties were provided for certain illegal acts in relation to the handling of the ballots (ch.829).

At a special session held in the same year an act was passed ('90 ch.894, June 18) extending the provisions of the Australian ballot law to all elections of city officers and providing for separate city ballots.

In 1891 (ch.920, May 1) the provisions of the Australian ballot law were extended to all elections of town officers in any towns which should adopt the same by popular vote. Separate town ballots were also provided for.

In 1892 (ch.1127, June 22) the form of ballot for presidential electors was amended, and it was provided that a voter could vote for all the electors of any one party by a single cross (X) mark.

In 1896 in the General Laws which went into effect on February 1st of that year (G. L. '96 tit.2 ch.11) the existing ballot laws were consolidated and re-enacted in slightly amended form.

In 1900 (ch.744, May 3) the city council of any city, or the town council of any town, was authorized to adopt for use at all elections the McTammany voting machine or any other type of machine approved by the state voting machine commission.

In the same year ('00 ch.794, June 13) this act was amended to allow the secretary of state to purchase voting machines and to furnish them to cities and towns on application.

In 1901 (ch.812, Jan. 31) the provisions as to the filing of certificates of nomination and nomination papers were amended.

In the same year ('01 ch. 916, Nov. 20) the voting machine act was again amended to allow any city or town council, on notice given to the secretary of state at least 25 days before any election, to discontinue the use of voting machines.

In 1902 (ch.1059, Dec. 12) the provisions as to the filing of certificates of nomination were amended.

In 1905 (ch.1226, Apr. 12) the voting machine act of 1900 and all amendments thereto were repealed and the use of voting machines was discontinued.

In the same year ('05 ch.1229, Apr. 26) the form of ballot was altered. The "office group" ballot was abandoned and the "party column" form of ballot with emblems and with special provision for voting a straight party ticket, adopted. The rules for marking the ballot were correspondingly altered.

In 1906 (ch.1349, Apr. 19) the use of voting machines of any type approved by the "State Returning Board" was again authorized at any state, city or town election, the secretary of state being directed to supply such machines to any city or town on request and at his discretion. City or town councils were also authorized to purchase or lease such machines.

In 1909 the whole election law was re-enacted as chapter 11 title 2 of the General Laws of 1909.

In 1910 (ch.640, Aug. 22) the provisions in regard to the making and filing of certificates of nomination and nomination papers were amended.

#### SOUTH CAROLINA

No Australian ballot law has been enacted in South Carolina up to the present time.

From 1889 until 1896 the general election law of 1870 (R. S. '72 tit.2 ch.8 § 9-12) as amended in 1882 (p.1110, Feb. 9) remained in force and regulated the subjects dealt with in this monograph.

In 1893 these four sections were repeated without change in the Revised Statutes of that year (§ 169-72).

In 1896 (p.29, Mar. 9) a new election law was enacted and all acts or parts of acts in conflict therewith were repealed, but the sections of the Code of 1893 were again merely repeated without amendment (§ 6, 7, 8, 10).

In 1901 (p.810 § 9, Feb. 8) a section almost exactly similar to section 6 of the act of 1896 above mentioned was adopted to apply to municipal elections in the city of Charleston.

In 1902 the same four sections above mentioned were repeated without change in the Code adopted in that year (§ 210, 211, 212, 214). According to section 205 of this Code these sections apply to all elections.

#### SOUTH DAKOTA

The first Australian ballot law was adopted in 1891 (ch.57, Mar. 5). It provided for the "office group" form of ballot, with no special method of voting a straight party ticket. The names of the candidates were arranged in alphabetical order under the title of each office, each candidate's name being followed by his party designation. There was no limitation as to the number of times a candidate's name might appear on the ballot. Constitutional amendments and other questions submitted were to be printed on the general ballot, but local and municipal questions were each printed on separate ballots. In several respects this law was the same as that now in force.

In 1893 (ch.80, Mar. 6) the "office group" form of ballot was abandoned and the "party column" form adopted with special circles for voting a straight party ticket. It was provided that the name of no candidate should appear more than once on the ballot for the same office, and that no party should nominate a candidate for any office whose name appeared as a candidate of another party for another office. The names of independent candidates

nominated by petition were to be placed at the bottoms of the several party columns. The rules for marking the ballot were correspondingly amended.

In 1895 (ch.85, Mar. 11) the provisions in regard to the distribution of ballots and the rules for marking the ballot were amended.

In the same year ('95 ch.86, Mar. 11) it was provided that constitutional amendments should be printed in each "ticket" on the general ballot. By another act ('95 ch.87, Mar. 12) the form of ballot was amended to provide for a separate column for independent candidates nominated by petition.

In 1897 (ch.60, Mar. 5) an entire new ballot law was enacted and all acts or parts of acts in conflict therewith were repealed. Most of the provisions of the former law were re-enacted without any changes in substance, but the "party circles" were removed from the ballot and all special provision for voting a straight party ticket was abolished. The provision that no candidate's name should appear on the ballot more than once for the same office was omitted, but the accompanying provision that no party should nominate for any office a candidate whose name appeared as a candidate of another party for any other office, was retained.

In 1899 (ch.80, Feb. 9) it was provided that constitutional amendments should be printed on a separate ballot.

In the same year ('99 ch.81, Feb. 23) a special method of voting a straight party ticket was again adopted by a change in the rules for marking the ballot.

In 1901 (ch.119, Mar. 8) a new provision was adopted limiting the number of times a candidate's name might appear on the ballot. If a candidate were nominated by two or more parties for the same office he might choose in which column his name should appear, but if he failed to do so his name was to be printed in the column of that party which had first filed a certificate of his nomination. The other provision, as to one party's nominating a candidate for any office who had already been nominated by another party for another office, was dropped. The section relating to the form of ballot was also amended (to correspond with the change in the rules for marking the ballot made in 1899) by the revival of the "party circle." All questions submitted, state as well as local, were to be printed on separate ballots.

In the same year ('01 ch.117, Mar. 5) the rules for marking the ballot were slightly amended.

In 1909 (ch.43, Feb. 19) the form of ballot for measures submitted by initiative petition or referendum was more fully defined.

In the same year ('09 ch.144, June 16) it was provided that the several party columns should be arranged on the ballot from left to right according to the size of the vote cast by each party for governor at the last preceding election.

#### TENNESSEE

The first Australian ballot law was adopted in 1889 (ch.188, Apr. 4) and applied only to counties having a population of over 70,000 and to towns having a population of over 9000, according to the federal census of 1880. It provided for an "office group" form of ballot with no special method of voting a straight party ticket. The names of the candidates were to be arranged alphabetically under the title of each office, but nothing was said about any party designations. The order of the several offices was left to the discretion of the officer furnishing the ballots. Constitutional amendments and other questions submitted were to be printed on the general ballot. The form of ballot was practically the same as that at present used (in those portions of the state to which the Australian ballot law applies) but no detachable stubs were provided for.

In 1890 (ex. sess. ch.24, Mar. 13) this act was repealed and a new election law similar to it and applying to the same portions of the state was enacted. According to this law the names of the candidates were to be arranged just as under the previous law but it was specified that they were to be printed "irrespective of party."

In 1891 (ch.225, Mar. 30) the application of the law of 1890 was extended to all counties having a population of 50,000 or over according to the federal census of 1890 or of any subsequent federal census.

In this same year ('91 ch.161, Mar. 26) the use of separate ballot-boxes for presidential electors, members of Congress, governors and members of the general assembly was abolished, and consequently the clause at the end of section 5 of the law of 1890, providing for separate ballots for these officers whenever separate ballot-boxes should be used, became meaningless. (It was omitted from Shannon's Code of 1896).

In the same year ('91 ex. sess. ch.21, Sept. 19) a law was passed regulating the form of ballot for elections in all parts of the state not covered by the Australian ballot law of 1890. It provided that the ballots at such elections should be seven inches in length and three inches in width. This law, with one slight amendment noted

below, is still in force in all parts of the state to which the Australian ballot law has not been applied.

In 1893 this last mentioned act of 1891 was slightly amended ('93 ch.101, Apr. 7) to provide that the "3 x 7" ballots should not deviate more than one-eighth of an inch in length or more than one-sixteenth of an inch in width from the prescribed dimensions.

In 1895 (ex. sess. ch.3 § 7, June 17) it was provided that the registrars for each voting precinct should attend the polls on election day and check off on a registration list the names of all voters as they voted.

In 1897 (ch.17, Mar. 24) the application of the Australian ballot law was extended to all counties having a population of 50,000 or over and to all towns, cities and civil districts having a population of 2500 or over, according to the federal census of 1890 or any subsequent federal census.

In 1901 (ch.147, Apr. 18) the application of the Australian ballot law was again extended to all wards and civil districts which included any part of any town containing, according to the federal census of 1900 or any subsequent federal census, a population of 750 or over and which were situated in counties having a population of 15,000 or over according to the federal census of 1900 or any subsequent federal census. (This act was subsequently declared unconstitutional by the supreme court; Freeman et al. v. the City of Lawrenceburg, December term 1906; case no. 23,615, minute book 26, p.117; not reported in regular state reports.)

In 1903 (ch.536, Apr. 15) the Australian ballot law was extended to apply to all counties having a population of not less than 18,000 and not more than 18,500 according to the federal census of 1900 or any subsequent federal census. (At the time it was passed this act probably applied only to Henderson county. Cf. Supp. 1897-1903 to Shannon's Code of Tennessee p.223 note.)

In the same year ('03 ch.567, Apr. 10) the Australian ballot law was extended to apply to all counties having a population of not less than 35,000 and not more than 36,250 according to the federal census of 1900 or any subsequent federal census. (At the time it was passed this act probably applied only to Montgomery county. Cf. Supp. 1897-1903 to Shannon's Code of Tennessee p.228-29.)

In 1905 (ch.387, Apr. 14) the Australian ballot law was again extended to apply to all counties having a population of not less than 42,500 and not more than 45,000 according to the federal census of 1900 or any subsequent federal census. (At the time it was passed this act probably applied only to Maury county. Cf. index to session laws of 1905.)

## TEXAS

Until 1905 no genuine Australian ballot law was adopted in Texas.

From 1889 until 1892 the election law of 1879 (p.119) remained in force and regulated the subjects dealt with in this monograph. This act provided that all ballots were to be written or printed on plain white paper without any pictures, sign, vignette, device, stamp or mark except the names of the offices, the names of the candidates and the names of the parties nominating them. The use of pasters in marking the ballots was forbidden. The ballots were unofficially printed and distributed by the several parties and were merely brought to the polls by the voters and there deposited.

In 1892 (ex. sess. p.13, Apr. 12) a law, which was practically an Australian ballot law, was passed applying only to cities of 10,000 inhabitants or over, to be adopted on petition of at least 500 citizens. This act provided for a semi-official "blanket" ballot to be printed by the candidates themselves and furnished to the presiding election officer at each polling place, at least one day before any election, for distribution to the voters on election day. The ballots were to be of the "party column" form and were to have the indorsement "official ballot" stamped on the outside by the presiding election officer before being handed to any voter. The ballots were obtainable by the voters only from the election officers at the polls on election day and no other ballots but those stamped as above described were to be counted. No rules for marking the ballot were provided. Any city coming within the application of this act could adopt any further regulations in regard to elections not in conflict with its provisions.

In all portions of the state not covered by this law the election law of 1879 above mentioned remained in force and regulated the subjects dealt with in this monograph until 1903.

In 1903 (p.133, Apr. 1) an approach to an Australian ballot law was adopted, applying to the whole state and to practically all elections. The ballots were to be official (printed and distributed by public officers) but those for each party were to be separate and were to be printed at the expense of the party. At the top of each ballot was to be printed the name of the party, followed by the names of its several candidates and the titles of the offices for which they were nominated. It was provided that no candidate's name should appear on the ballots of more than one party. Constitutional amendments and other questions submitted were to be printed on each of the party ballots, in such form as might be pre-

scribed by the governor, or in the case of local questions, by the municipal authority submitting the same. Before a set of ballots was delivered to any voter the presiding judge was to write his signature on the back of each ballot. The voter on receiving a set of ballots was to proceed to a voting booth, prepare the ballot which he wished to vote, fold all the ballots alike, and return them to the judges. The ballot voted was to be numbered on the back to correspond with the voter's number on the voting list and deposited in one ballot-box; and the unused ballots were to be deposited in another ballot-box.

In 1905 (ex. sess. p.520; became law without the governor's signature) this law of 1903 was repealed and the present law (known as the "Terrell Law") enacted.

#### UTAH

As long as Utah remained a territory no Australian ballot law was enacted but the law of February 22, 1878 (C. S. '88 § 249, 251) governed the form of ballot and the method of voting at elections. This law merely provided that "every voter shall designate on a single ballot, written or printed, the name of the person or persons voted for with a pertinent designation of the office to be filled. And when any question is to be decided in the affirmative or negative he shall state the proposition at the bottom of the ballot and write thereunder 'Yes' or 'No' as he may desire to vote thereon; which ballot shall be neatly folded and placed in one of the envelopes hereinbefore provided for, and delivered to the presiding judge of election, who shall, in the presence of the voter, on the name of the proposed voter being found on the registry list, and on all challenges to such vote being decided in favor of such voter, deposit it in the ballot-box, without any mark whatever being placed on such envelope; otherwise the ballot shall be rejected." The envelopes above mentioned were to be uniform in color and size, without distinguishing marks of any kind, and were to be furnished by the county court to the judges of each election precinct. Nothing was said as to just how or where the ballots were to be put in the envelopes. No voting booths were provided for in the law.

In 1896 (ch.69, Mar. 28) at the first session of the legislature after the admission of Utah as a state, the first Australian ballot law was enacted. This act provided for the "office group" form of ballot, but with a special method of voting a straight party ticket.

The names and emblems of the several parties were to be printed at the top of the ballot, each with a voting square opposite to it. The names of the candidates were to be arranged in alphabetical order under the title of each office. No candidate's name was to appear more than once on the ballot, but it was to be followed by the political designation, expressed in not more than three words, of every party which had nominated him. Constitutional amendments and other questions submitted were to be printed on the general ballot. A duplicate stub system was provided for, and it was provided that each ballot before being deposited should be numbered in the corner and the corner then folded and pasted down over the number, as in Pennsylvania and Colorado.

In 1897 (ch.50, Mar. 11) all previous election laws were repealed and a new general law enacted. (This law was actually the title on elections taken from the Revised Statutes afterwards enacted in 1898 and enacted by itself in advance. Cf. R. S. '98, preface, top of page 5.) The "office group" form of ballot was abandoned and a "party column" ballot, with emblems and with "party circles" for voting a straight ticket, was adopted. It differed from the law of 1896 in regard to certificates of nomination, etc., and as to the system of stubs, a single detachable stub being substituted for the duplicate stub provided for in the earlier law. The numbering of the ballots in the corner, etc., as above described, was also abandoned.

In 1899 (ch.80, Mar. 20) the provisions of the law of 1897 in regard to constitutional amendments were altered to provide that the secretary of state should designate by a number and by a title covering the subject-matter, each amendment or question certified to the county clerk to be printed on the official ballot. This number and title were to be used on the ballot in place of the text of the amendment.

In 1905 (ch.85, Mar. 9) the adoption of voting machines by county, city or town authorities, for use at any or all elections, was permitted, provided such machines had previously been approved by a state voting machine commission established by the act.

In 1907 (ch.162, Mar. 25) this voting machine act was amended in certain particulars.

#### VERMONT

The first Australian ballot law was adopted in 1890 (no.9, Nov. 25). It applied to all elections for national, state, congressional, district, county, town and village officers, except elections of city,

town or village officers in cities, towns and villages of not over 4,000 inhabitants. It provided for the "office group" form of ballot with no special method of voting a straight party ticket. The language of the act was somewhat ambiguous as to the way in which the names of the candidates were to be arranged. It merely stated that "ballots hereafter used . . . for the election of public officers in this state . . . shall contain, under each appropriate head, the names of all persons to be voted for at each election . . ." It afterwards referred, however, to "each group of candidates for different offices," so that it is fairly clear that the "office group" form of ballot was intended. The name of each candidate was to be followed by his address and by the designation of the party or political organization which he represented. Constitutional amendments were to be printed on the ballot after the lists of candidates. There was to be one ballot for general elections and separate ballots for city, town, and village elections.

In 1892 (no.1, Nov. 22) a new law was enacted and all acts and parts of acts inconsistent therewith were repealed. The "office group" form of ballot was abandoned and a "party column" ballot, with special squares for voting a straight party ticket, adopted. The order of the several columns was the same as at present. The rules for marking the ballot were changed to correspond with this change in form. Separate ballots were to be provided for representatives in the general assembly. In practically all other respects the law of 1892 was similar to that of 1890.

In 1894 (no.3, Nov. 27) the application of the act of 1892 which had been the same as that of the act of 1890, was made optional and dependent on popular vote, in all elections of local officers in cities, towns and villages of over 4000 and not over 8000 inhabitants.

In the same year in the Vermont Statutes ('94 no.162) section 98 provided for separate ballots for presidential electors, for representatives in the general assembly and for justices. These, in addition to the ballots for state officers and those for city, town and village officers, made five separate kinds of ballots, just as at present. In this revision of the statutes certain changes in the form of the law were also made. In 1898 (no.2, Nov. 21; no.4, Nov. 4) the provisions as to the making and filing of certificates of nomination were amended and it was provided that the ballots used in voting for justices of the peace should be on tinted paper of a color other than that used for sample ballots.

In 1902 (no.2, Oct. 28) it was provided that the ballot for justices of the peace should be printed on red paper and that used in voting for town representatives in the general assembly on white paper.

In 1904 (no.3, Dec. 10) it was provided that a candidate nominated for the same office by two or more parties might choose on which party ticket or tickets his name should be printed.

In the same year ('04 no.4, Dec. 9) the party square was removed from the ballots for town representatives in the general assembly.

In 1906 (no.3, Nov. 22) ballots of the "office group" form were provided for all local (city, town and village) elections.

In the same year ('06 no.5, Nov. 23) the application of the Australian ballot law was again changed. Cities, towns and villages of 3000 inhabitants or less were entirely excluded from its provisions and in cities, towns and villages of over 3000 and not over 8000 inhabitants its adoption was left optional with the voters.

In the revision of 1906 practically no changes were made in the ballot law except for the renumbering of the sections.

#### VIRGINIA

Prior to 1894 the election law of 1869 (ch.76) remained in force and governed the subjects dealt with in this monograph. It provided for unofficial ballots, written or printed or partly written and partly printed, and containing the names of the persons to be voted for and the offices for which they were candidates.

The first Australian ballot law was adopted in 1894 (ch.746, Mar. 6). It provided for an "office group" form of ballot with no special method of voting a straight party ticket. The provisions as to the form of ballot were exceedingly brief, nothing being said as to the arrangement of the candidates' names under the title of each office, the use of party designations, constitutional amendments, etc. The method by which the names of candidates were to be given a place on the official ballot and the rules for marking the ballot were virtually the same as at present. Each ballot was to be stamped on the back with an official seal by the electoral board which provided it.

In 1896 (ch.700, Mar. 4) this act was re-enacted with a few slight changes. The form of ballot was somewhat more fully prescribed and it was provided that every announcement of candidacy for any office by a person wishing to have his name

printed on the official ballot must be attested by two witnesses. The method of announcing the candidacy of presidential electors and of printing their names on the ballot was also prescribed.

In 1898 (ch.831, Mar. 13) the provisions of this act in regard to the announcement of candidacy and to the adoption and use by electoral boards of official seals were amended.

In 1900 (ch.877, Mar. 6) the provisions in regard to the marking of ballots and their deposit in the ballot-box were slightly amended.

In 1904 (ch.587, Jan. 11) the ballot law was codified and re-enacted (together with certain other provisions) as an amendment of chapter 10 of the Code of 1887. Certain changes were made at this time; the arrangement of the names of the candidates under each office was prescribed as at present and the use of any distinguishing mark or symbol on the ballot (including the name of any party<sup>1</sup>) was forbidden. The rules for marking the ballot were also slightly altered.

Later in the same year chapter 10 of the Code of 1887 as thus amended was re-enacted as chapter 10 of the Code of 1904.

In 1908 (ch.17, Feb. 3) it was provided that constitutional amendments, after being agreed to by both houses, should be "submitted to the people by bill introduced for such purpose" No general provision was made as to the form of ballot for such amendments.

#### WASHINGTON

The first Australian ballot law was adopted in 1890 (p.400, Mar. 19). It provided for the "office group" form of ballot, but with a special method of voting a straight party ticket by a cross mark (X) opposite the party name. The names of the candidates were arranged in alphabetical order under the title of each office, each candidate's name being accompanied by the designation of the political party which he represented. Constitutional amendments and other questions submitted to the voters of the entire state were printed on the general ballots; local and city questions on separate ballots. The official indorsement was stamped on the outside of each ballot by the election officers with a rubber stamp before the delivery of the ballot to a voter.

<sup>1</sup> The statement that the clause forbidding the use on the ballot of "any distinguishing mark or symbol" prevents the use of any party name or designation is made on the authority of a letter from Edward Brockenbrough, secretary of the electoral board of Norfolk, Va.

In 1891 (ch.106, Mar. 7) the "office group" form of ballot was abandoned and the "party column" form adopted, with a special method of voting a straight party ticket. The order of the several columns was to be as follows: (1) Republican; (2) Democratic; the others in such order as the clerk of the board of county commissioners might determine. In other respects the law of 1890 was left unchanged.

In 1895 (ch.156, Mar. 21) the form of ballot was again altered and an "office group" ballot with a special method of voting a straight party ticket again adopted. At the top of the ballot were to be printed the names of "all recognized political parties in the following order, to wit: Republican ticket, Democratic ticket, People's party ticket, Prohibition ticket, and any other party placing a full ticket in nomination, in the order in which the same shall be filed with the clerk of the board of county commissioners." The name of each candidate was to be printed but once on the ballot, and when the candidate was nominated by two or more parties was to be preceded by the name of only that one party which he had designated in a notice to the clerk of the board of county commissioners. The names of the candidates were to be arranged under the title of each office in the same order as the names of the parties themselves at the top of the ballot. A blank column was to be provided at the right of the ballot for writing in names. Detachable stubs consecutively numbered were also provided for.

In 1901 (ch.89, Mar. 16) the "office group" form of ballot was again abandoned and the "party column" form, with special circles for voting a straight party ticket, again adopted. The Republican column was to be placed at the left of the ballot, the Democratic column next and those of other parties from left to right in the order in which the respective certificates of nomination were filed.

In 1905 (ch.39, Feb. 27) a slight change was made in the section providing for the furnishing of official ballots by the clerks of the boards of county commissioners.

#### WEST VIRGINIA

The first Australian ballot law was enacted in 1891 (ch.89; became law on Mar. 18 without the governor's signature). It provided for a "party column" form of ballot with a special method of voting a straight party ticket by erasing all other tickets than the one which the voter desired to vote. The several columns

were to be arranged as follows: the Democratic column at the extreme left of the ballot, the Republican at the extreme right, and those of all other parties, if any, in between. No emblems were provided for. The poll-clerks were to write their names on the back of each ballot before its delivery to a voter.

In 1893 (ch.25, Feb. 24) the form of ballot was slightly amended to provide that candidates nominated by petition should not be placed in the same column with party candidates nominated by convention or primary meeting. The restriction by which the act of 1891 was made not to apply to municipal elections where no regular nominations were certified was also repealed.

In 1895 (ch.29, Feb. 21) a new provision was adopted, according to which the act of 1891 was not to apply to municipal elections in any municipality in which less than 600 votes had been polled at the last preceding election and in which regular nominations had not been certified by at least two political parties or groups of voters.

In 1901 (ch.61, Feb. 20) the definition of political parties which could nominate candidates for public office by convention was enlarged to include any party which had had its nominations printed on the official ballot for the state or for any subdivision thereof for the last preceding ten years.

In 1907 (ch.71; passed Feb. 22 and became law without the governor's approval) the section relating to the form of ballot was amended and it was provided that the addresses of the several candidates should be printed after their names. Emblems were also provided for. Nothing was said as to the order of the several columns, but the form of ballot appended to the act shows this to have been the same as in the earlier acts. "Party squares" were placed at the tops of the several columns and the method of marking the ballot was correspondingly altered.

In 1908 (ex. sess. ch.21, Feb. 29) the section as to the form of ballot was again amended and brought into its present form.

#### WISCONSIN

Although no Australian ballot law was enacted in Wisconsin up to 1889, an act was passed in 1887 (ch.350, Apr. 8) applying one or two minor features of the Australian system to elections in cities of 50,000 inhabitants or over. This act provided that every polling place in any such city should have two rooms, in the outer of which ballots furnished by the several political parties to the

inspectors of election were to be arranged in separate piles on a table. Each voter was to enter this room first, obtain a ballot if not already provided with one, pass through to the room containing the ballot-boxes, deposit his ballot and pass out by another door. Not more than one voter was to be allowed in the "ticket room" at any one time, and the only other person allowed in this room was a police officer. Challengers appointed by each party were provided for. There was nothing in the act, however, to prevent the voters from obtaining ballots outside the polling place, nor was there any provision to insure secrecy.

The first real Australian ballot law was adopted in 1889 (ch.248, Apr. 3). It did not apply to elections of town or village officers nor to elections in cities of 50,000 inhabitants or over nor to elections in counties containing such cities. It provided for the "office group" form of ballot with no special method of voting a straight party ticket. The names of the candidates were to be arranged in alphabetical order under the title of each office, each candidate's name being followed by his political designation. Constitutional amendments and other questions submitted were to be printed on the general ballot.

In the same year ('89 ch.494, Apr. 18) this act was slightly amended in regard to the method of marking the ballot and another act was passed ('89 ch.475, Apr. 17) slightly regulating the form of ballot in cities of 150,000 inhabitants or over. The ballots were left unofficial and each party was to provide its own, but the form, size, paper, etc., were prescribed and were to be uniform for all parties.

In the same year ('89 ch.21, Feb. 26) the act of 1887 applying to cities of 50,000 inhabitants or over was slightly amended.

In 1891 (ch.379, Apr. 23) chapters 248 and 494 of the laws of 1889 (above mentioned) were repealed, and a new Australian ballot law was enacted. This law was not to apply to elections of town or village officers nor to elections in cities of 50,000 inhabitants or over. It provided for the "party column" form of ballot without emblem and with special squares for voting a straight party ticket. The "party columns" were to be arranged alphabetically according to the first letters of the several party names, and at the extreme right of the ballot the "individual nominations" were to be arranged in a separate column, each candidate's name being followed by his political designation. It was provided that there should be separate ballots for judicial and also for municipal

elections, the former being in the "office group" form and without party designations. Constitutional amendments and other questions submitted were to be printed on the general ballot. It was provided that there should be no party designations on the ballots used in the election of school officers except in the case of county or district superintendents of schools outside of cities. The rules as to certificates of nomination and nomination papers were also altered.

In 1893 (ch.288, Apr. 19) the whole election law was codified and revised. The provisions of the Australian ballot law were applied to practically all elections and a few changes were made in it. The use of pasters by the voters in marking their ballots was forbidden. It was specifically provided that the name of a candidate nominated by two or more parties should be printed in the columns of both parties, but that only one vote for him should be counted on each ballot. The provisions in regard to certificates of nomination and nomination papers were slightly amended and it was provided that local and municipal questions submitted to popular vote were each to be printed on separate ballots. It was also provided that the separate ballots for judicial and municipal elections should be of approximately the same form as the general ballots.

In 1897 several amendments to this act were adopted. It was provided ('97 ch.120, Mar. 27) that when constitutional amendments or other questions were submitted to popular vote "a concise statement of the nature thereof" should be printed on the general ballots below the lists of candidates, unless the act or resolution submitting the amendment or question required a different form of ballot. By another act ('97 ch.348, Apr. 24) the provisions of the law of 1893 as to the form of ballot were amended to provide that, if a candidate were nominated by two or more parties, his name should be printed only in the column of the party which first nominated him. If both nominated him at the same time he could choose in which column his name should be written and if he failed to do so the officer with whom his certificate of nomination was filed was to decide, but in any case his name was to appear in only one column. No candidate's name was to be printed in the column of "individual nominations" if it already appeared in any party column. The method of filing certificates of nomination was also slightly amended. By another act ('97 ch.337, Apr. 24) the section as to the furnishing of ballots by county and city clerks was slightly amended.

In 1899 (ch.339, May 3) the provisions of the Australian ballot law (as codified in chapter 5 of the Wisconsin Statutes of 1898) were applied to "all elections of town officers in towns having an incorporated city or village which operates jointly with the town in such elections," but a few modifications of these provisions, as applied to town elections, were made by the act itself with reference to the method of filing certificates of nomination and the method of conducting the election.

In the same year ('99 ch.349, May 4) the form of the general ballot was prescribed in somewhat greater detail and it was provided that the blank space for writing in another name and the individual voting square should be placed under, instead of after, the name of each candidate. By another act ('99 ch.351, May 4) a few verbal corrections in the Wisconsin Statutes of 1898 were made.

In 1901 (ch.457, May 14) the form of ballot was again somewhat altered. "Party circles" were substituted for "party squares" at the tops of the columns, and above these and under the names of the parties were to be printed the names of the party candidates for president and vice-president. Candidates for judicial and municipal offices nominated by petition were to have their names placed on the judicial and municipal ballots, just as the names of independent nominees were placed on the general ballots.

In the same year ('01 ch.459, May 14) the adoption of voting machines of any type approved by a state voting machine commission created by the act, by the common council of any city, the trustees of any village, or the town board of any town, was authorized.

In 1903 (ch.445, May 23) chapter 339 of the laws of 1899 extending the Australian ballot law to elections of town officers in certain towns, was repealed.

In 1905 (ch. 495, June 20) the voting machine act of 1901 was amended to provide that voting machines should be adopted by towns and villages only after a popular election and a majority vote in favor of such adoption.

In the same year ('05 ch.522, June 21) provision was made for the submission to popular vote of a law providing for a "pocket ballot" and "coupon voting system" invented by Mr Moncena Dunn of Marshfield, Wis. The ballot was to consist of a number of differently colored cardboard sheets, one for each party and one for "individual nominations." These sheets were to be

fastened together at the top in such a way that the party title at the top of each sheet should be left visible. Each sheet was to be divided by perforated lines into as many detachable coupons as there were offices or constitutional amendments or other questions to be voted for. All the presidential electors of each party were to be on one coupon and all the coupons were to be numbered consecutively, the corresponding coupons being identically numbered on all sheets. There was also to be a "folder or envelope" with as many pockets as there were coupons on any party sheet and another plain envelope to contain all the unused portions of the ballot after the elector had voted. There was to be a blank space under the name of each candidate for writing in another name. The provision as to candidates nominated by two or more parties was practically the same as in the existing law. In preparing his ballot the voter, if he wished to vote a straight party ticket, was to place in the pocket envelope the whole of any party sheet, marking thereon the question which he wished to give to any constitutional amendment or other question printed on the ballot. To vote a split ticket, he was to detach such coupons from any of the several party sheets as contained the names of the candidates for whom he wished to vote, or to write the names of the candidates to be voted for in the blank spaces on his party sheet. In counting the votes, detached coupons were always to prevail over whole party sheets in case of conflict (just as marks in the individual voting squares usually prevail over marks made in the "party circle"). When the voter had prepared the folder envelope to be voted he was to fold and seal it, place all the unused parts of the ballot in the other envelope provided for this purpose, seal the same, and return both envelopes to the election officers, who were to deposit them in separate ballot-boxes. (This act was submitted to popular vote at the general election held on the first Tuesday in April, 1906, and was defeated.)

In 1907 (ch.316, June 21) the voting machine act of 1901, as amended in 1905, was again amended in a few particulars.

By another act ('07 ch.583, July 12) the form of ballot was again altered. It was provided that independent nominations should be printed in one or more separate columns at the right of the ballot. The names of presidential electors, together with those of the candidates of each party for president and vice-president, were to be placed at the bottom of its list of candidates just above constitutional amendments. The party designations after the

names of "individual" candidates were done away with. It was provided that no party designations were to be placed on the ballots used in voting for any school or judicial officers. The rules for marking the ballot were also amended.

In the same year ('07 ch.670, July 16) an act was passed providing that in any city adopting such act the ballots at municipal elections should be arranged in the "office group" form and should be without party designations of any sort. They were to contain only the names of candidates nominated by "nomination papers" signed by electors resident in the district for which the nomination was made, to the number of two per cent of the total vote cast therein for governor at the last preceding general election, but in no case by less than ten electors. In case, however, a "preliminary election" should have been held (on petition signed by at least five per cent of the total city vote for governor at the last preceding general election) only the names of the two candidates for each office who should have received the highest number of votes at such "preliminary election" were to be placed upon the ballot.

In 1909 (ch.545, June 17) the county board of any county was authorized to adopt the "coupon ballot" for use at general elections and the form of this ballot and the rules for its use when adopted in any county were prescribed. This act is similar to the general state law rejected by popular vote in 1906 (cf. above), but differs from it in form and in certain other particulars. Constitutional amendments and other questions submitted are not to be printed on the "coupon ballot," but on a separate ballot as at present. To vote for a person whose name is not printed on the "coupon ballot," the voter is not to write in the name on one of the coupons under the name of the candidate there printed, as provided in the act of 1905, but is to write it on a separate blank sheet, which sheet is to be voted separately from the "coupon ballot."

In the same year ('09 ch.483, June 12) it was provided that the names of all candidates nominated by non-partisan "nomination papers" should be rotated so as to appear on the general, municipal, school and judicial ballots in different order in the different assembly districts, each name being assigned to each position on the same number of ballots as each other name. The form of ballot for school and judicial officers was further altered by the provision that no party designations should be placed thereon "except where party nominations have been made." Also by the provision that "the

names of non-partisan candidates for the same office shall be placed in the same column."

The voting machine law was also amended in several particulars (ch.435, June 15; ch.454, June 15; ch. 473, June 16).

#### WYOMING

The first Australian ballot law was adopted in 1890 at the last session of the territorial legislature ('90 ch.80, Mar. 14). It provided for the "office group" form of ballot with no special method of voting a straight party ticket. The names of the candidates were to be arranged in alphabetical order under the title of each office, each candidate's name being followed by the designation of the party or principle which he represented. Questions submitted to popular vote were to be printed on the general ballot, but local and municipal questions were to be printed on separate ballots. Each ballot was to be stamped on the back by one of the judges with the official indorsement before being delivered to a voter. There was no limitation as to the number of times a candidate's name might appear on the ballot.

In 1891 at the first session of the state legislature ('91 ch.100, Jan. 21), the act of 1890 was slightly amended in regard to the method of furnishing ballots and the rules for marking the same.

In 1895 (ch.49, Feb. 15) the method of voting on constitutional amendments was prescribed. The publication of such amendments was provided for, and in this publication they were to be numbered serially, the numbers to constitute a part of each amendment for purposes of reference. They were to be printed on the general ballot merely by reference to these numbers.

In 1897 (ch.53, Feb. 24) the law of 1890 was further amended. The "office group" form of ballot was abandoned and the "party column" form, with special squares for voting a straight party ticket, adopted. Only parties which had cast at least ten per cent of the total vote at either of the two preceding general elections were to be given separate party columns. One or more columns for independent nominations were to be placed at the right of the ballot. It was provided that no candidate's name should appear on the ballot in more than one column. The order of the several columns was to be the same as at present. The order of the several offices on the ballot was prescribed by the act itself.

In 1901 (ch.69, Feb. 16) it was provided that when city elections in cities of 10,000 inhabitants or over, incorporated under special

charters, were to be held on the same day as a state and county election, the names of the candidates for city offices should be printed on the general ballot with those of other candidates.

In 1905 (ch.21, Feb. 10) it was provided that all parties which had cast at least two per cent of the total vote in the state at either of the last two preceding general elections should have separate columns on the ballot.

In 1907 (ch.54, Feb. 16) it was provided that the judges should see that the official indorsement appeared on the back of each ballot before depositing the same in the ballot-box.

## Part 2

### CLASSIFICATION AND SUMMARY

Condition of the ballot laws in the 48 states and territories at  
the end of each year from 1888 to 1909 inclusive

#### EXPLANATION

The name of a state underlined means that the ballot law of this state applied only to cities of over a certain size, or to cities and counties of over a certain size, or to one or more designated counties or cities; in other words, only to certain localities and not to the state as a whole. Where the law applied at first only to national, state and county elections, and not to city or town elections, as, for example, in Massachusetts, Oregon, Rhode Island and Wisconsin—in other words, where *only* certain local elections were excluded from its provisions—no special method has been adopted for calling attention to this fact. In almost all the states, indeed, at the present time certain minor local elections, such as those of school or road officers, or officers of towns and cities under a certain size, are excluded from the application of the Australian ballot law.

The name of a state printed in **this type** and starred (\*) means that the law enacted in this year was the first Australian ballot law, or law embodying certain features of the Australian system, ever enacted in this state.

The name of a state printed in *italics* means that in this year this state abandoned one form of ballot and adopted another.

"A." Columns marked A show those states in which the arrangement of the ballot was combined with *special provision* for voting a straight ticket by a single cross mark or other simple method.

"B." Columns marked B show those states in which the arrangement of the ballot was combined with *no special provision* for voting a straight ticket by a single cross mark or other simple method.

"Local." Column 7 shows those states where the Australian ballot law applied only to one or more localities.

"Compromise Laws" are those containing only certain features of the Australian system.

"No Provision." The last column shows those states having no provision for official ballots of any sort.

In the last four columns the figures show the number of states in each classification.

DATE	PARTY COLUMN ARRANGEMENT		OFFICE GROUP ARRANGEMENT		AUSTRALIAN BALLOT LAWS		COMPRO-MISE LAWS	NO PRO-VISION	
	A	B	A	B	State-wide	Local			
1888					*Ky. <sup>1</sup> *Mass.	I	I	46	
1889	*Ind.	*Mo. <sup>2</sup>	*Mon. *Minn. <sup>3</sup>		Mass. *R. I. *Wis. Ky. <sup>1</sup> *Tenn. <sup>4</sup>	5	4	*Ct.	38
1890	Ind. *Okl. *Md. <sup>5</sup>	Mo. <sup>2</sup>	Mon. *Wash. Minn. <sup>3</sup>		Mass. *Miss. R. I. *Vt. Wis. *Wy. Ky. <sup>1</sup> Tenn. <sup>4</sup>	10	5	Ct. *N. J. *N. Y.	30
1891	*Col. *Del. *Ill. Ind. *Me. *Mich. Mo. *O. Okl. *Pa. <sup>6</sup> Wash. *W. Va. Wis. Md. <sup>5</sup>	*Id.	*Cal. Mon. *N. D.		*Ari. *Ark. Mass. Minn. Miss. *Neb. *Nev. *N. H. *Or. R. I. *S. D. Vt. Wy. Ky. <sup>1</sup> Tenn. <sup>4</sup>	30	3	Ct. N. J. N. Y.	12

<sup>1</sup> The first Kentucky law applied only to municipal elections in the city of Louisville. In 1890 similar laws were enacted for four other cities. In 1892 a state-wide law was adopted.

<sup>2</sup> The first Missouri law applied only to cities and towns of over 5000 inhabitants. In 1891 a state-wide law was enacted.

<sup>3</sup> The first Minnesota law applied to only cities of 10,000 inhabitants or over. In 1891 a state-wide law was enacted.

<sup>4</sup> The Tennessee law originally applied only to counties of over 70,000, and towns of over 9000 inhabitants. In 1891 the limit for counties was reduced to 50,000 or over. In 1897 the application of the law was extended to all "towns, cities and civil districts" having a population of 2500 or over, the limit in the case of counties remaining at 50,000 or over. In 1901 the application of the law was again extended by chapter 147, but this act was declared unconstitutional by the supreme court in 1906. (J. Freeman et al. v. The City of Lawrenceburg, case no. 23615, Minute book 26, p. 117; not reported in regular Tennessee reports.) In 1903 the application of the law was extended to Montgomery and Henderson counties, and in 1905 to Maury county, by special acts. It applies at present, therefore, to about one-seventh of the total number of electoral districts in the state.

<sup>5</sup> The Maryland law did not apply originally to nine counties of the state or to any of the cities, except five that were specifically designated. In 1892 the law was amended to apply to the whole state.

<sup>6</sup> The Pennsylvania law of 1891 provided for a *mixed* form of ballot. The names of all *party* candidates were arranged in party groups, with a special provision for voting a straight ticket by means of a single cross mark. The names of *independent* candidates nominated by petition, however, were arranged separately in groups under the titles of the several offices. In 1893 the straight "party column" form of ballot was adopted.

DATE	PARTY COLUMN ARRANGEMENT		OFFICE GROUP ARRANGEMENT		AUSTRALIAN BALLOT LAWS	COMPRO-MISE LAWS	NO PRO-VISION		
	A	B	A	B					
1892	Col. Del. Ill. Ind. <b>*Ia.</b> Ky. Me. Md. Wis. <u>*Tex.<sup>7</sup></u>	Mich. Mo. O. Okl. Pa. <sup>6</sup> Vt. Wash. W. Va. Wis.	Id.	Cal. Mon. N. D.	Ari. Ark. Mass. Minn. Miss. Neb. <u>Tenn.<sup>4</sup></u>	Nev. N. H. Or. R. I. S. D. Wy.	33	2 Ct. N. J. N. Y.	10
1893	Col. Del. Ill. Ind. Ia. Ky. Me. Md. Mich.	Mo. O. Okl. Pa. S. D. Vt. Wash. W. Va. Wis. <u>Tex.<sup>7</sup></u>	Id. <b>*Kans.</b> N. D.	Mon.	<b>*Ala.</b> Ari. Ark. Cal. Mass. Minn. Miss.	Neb. Nev. N. H. Or. R. I. Wy. <u>Tenn.<sup>4</sup></u>	35	2 Ct. N. J. N. Y.	8
1894	Del. Ill. Ind. Ia. Ky. Me. Md. Mich.	Mo. O. Okl. Pa. S. D. Vt. Wash. W. Va. Wis. <u>Tex.<sup>7</sup></u>	Id. Kan. N. D.	Col. Mon.	Ala. Ari. Ark. Cal. Mass. Minn. Miss.	Neb. Nev. N. H. Or. R. I. Va. Wy. <u>Tenn.<sup>4</sup></u>	36	2 Ct. N. J. N. Y.	7
1895	Ari. Del. Ill. Ind. Ia. Ky. Me. Md. Mich. Mo.	Mon. N. Y. O. Okl. Pa. S. D. Vt. W. Va. Wis. <u>Tex.<sup>7</sup></u>	Id. Kan. N. D.	Col. Wash.	Ala. Ark. Cal. <b>*Fla.</b> Mass. Minn. Miss.	Neb. Nev. N. H. Or. R. I. Va. Wy. <u>Tenn.<sup>4</sup></u>	38	2 Ct. N. J.	6
1896	Ari. Del. Ill. Ind. Ia. Ky. Me. Md. Mich. Mo.	Mon. N. Y. O. Okl. Pa. S. D. Vt. W. Va. Wis. <u>Tex.<sup>7</sup></u>	Id. Kan. N. D.	Col. *U. Wash.	Ala. Ark. Cal. Fla. <b>*La.</b> Mass. Minn. Miss.	Neb. Nev. N. H. Or. R. I. Va. Wy. <u>Tenn.<sup>4</sup></u>	40	2 Ct. N. J.	4

<sup>4</sup> The Tennessee law originally applied only to counties of over 70,000, and towns of over 9000 inhabitants. In 1891 the limit for counties was reduced to 50,000 or over. In 1897 the application of the law was extended to all "towns, cities and civil districts" having a population of 2500 or over, the limit in the case of counties remaining at 50,000 or over. In 1901 the application of the law was again extended by chapter 147, but this act was declared unconstitutional by the supreme court in 1906. (*J. Freeman et al. v. The City of Lawrenceburg*, case no. 23615, Minute book 26, p. 117; not reported in regular Tennessee reports.) In 1903 the application of the law was extended to Montgomery and Henderson

DATE	PARTY COLUMN ARRANGEMENT		OFFICE GROUP ARRANGEMENT		AUSTRALIAN BALLOT LAWS	COMPRO-MISE LAWS	NO PRO-VISION		
	A	B	A	B					
1897	Ari. Del. Ill. Ind. Ia. Ky. Me. Md. Mich. Mon. Neb. <u>Tex.</u> <sup>7</sup>	N. H. N. Y. N. D. O. Pa. S. D. U. Vt. W. Va. Wis. Wyo.	Id. Kan.	Col. Wash.	Ala. Ark. Cal. Fla. La. Mass. Minn. <u>Tenn.</u> <sup>4</sup>	Miss. Nev. Ok. Or. R. I. Va. Va.	39 2	Ct. Mo. N. J.	4
1898	Ari. Del. Ill. Ind. Ia. Ky. La. Me. Md. Mich. Mon. Neb. <u>Tex.</u> <sup>7</sup>	N. H. N. Y. N. D. O. Pa. S. D. U. Vt. W. Va. Wis. Wyo.	Id. Kar.	Col. Wash.	Ala. Ark. Cal. Fla. Mass. Minn. <u>Tenn.</u> <sup>4</sup>	Miss. Nev. Ok. Or. R. I. Va.	39 2	Ct. Mo. N. J.	4
1899	Ari. Del. Ill. Ind. Ia. Ky. La. Me. Md. Mich. Mon. N. H. <u>Tex.</u> <sup>7</sup>	N. Y. N. D. O. Ok. Pa. S. D. U. Vt. W. Va. Wis. Wyo.	Col. Id. Kan.	Col. Wash.	Ala. Ark. Fla. Mass. Minn. <u>Tenn.</u> <sup>4</sup>	Miss. Neb. Nev. Or. R. I. Va.	39 2	Ct. Mo. N. J.	4
1900	No changes.								

counties, and in 1905 to Maury county, by special acts. It applies at present, therefore to about one-seventh of the total number of electoral districts in the state.

\*The Pennsylvania law of 1891 provided for a mixed form of ballot. The names of all party candidates were arranged in party groups, with a special provision for voting a straight ticket by means of a single cross mark. The names of independent candidates nominated by petition, however, were arranged separately in groups under the titles of the several offices. In 1893 the straight "party column" form of ballot was adopted.

<sup>7</sup>The first Texas law applied only to cities of 10,000 inhabitants or over, and only on the petition of least 500 citizens. In 1903 a state-wide law was enacted providing for separate official ballots for each party, and in 1905 this law was repealed and the present state-wide Australian ballot law enacted.

DATE	PARTY COLUMN ARRANGEMENT		OFFICE GROUP ARRANGEMENT		AUSTRALIAN BALLOT LAWS	COMPRO-MISE LAWS	NO PROVISION		
	A	B	A	B					
1901	Ari. Del. Ill. Ind. Ia. <i>Kan.</i> Ky. La. Me. Mich. N. H. N. Y. <u>Tex.</u> <sup>7</sup>	N. D. O. Ok. Pa. S. D. U. Vt. <i>Wash.</i> W. Va. Wis. Wy.	Cal. Id. <i>Mon.</i>	Col. <i>Neb.</i>	Ala. Ark. Fla. <i>Md.</i> Mass. Minn. <u>Tenn.</u> <sup>4</sup>	Miss. Nev. Or. R. I. Va.	State-wide 39 2	Ct. Mo. N. J.	4

1902

No changes.

1903	Ala. Ari. Cal. Del. <i>Id.</i> Ill. Ind. Ia. <i>Kan.</i> Ky. La. Me.	Mich. N. H. N. Y. N. D. O. Ok. S. D. U. Vt. <i>Wash.</i> W. Va. Wis. Wy.	Mon.	Col. <i>Neb.</i> <i>Pa.</i>	Ark. Fla. Md. Mass. Minn. <u>Tenn.</u> <sup>4</sup>	Miss. Nev. Or. R. I. Va.	Ct. Mo. N. J. <i>Tex.</i>	4

1904

No changes.

1905	Ala. Ari. Cal. Del. <i>Id.</i> Ill. Ind. Ia. <i>Kan.</i> Ky. La. Me. Mich. N. H.	N. Y. N. D. O. Ok. <i>R. I.</i> S. D. <i>Tex.</i> U. Vt. <i>Wash.</i> W. Va. Wis. Wy.	Mon.	Col. <i>Neb.</i> <i>Pa.</i>	Ark. Fla. Md. Mass. Minn. <u>Tenn.</u> <sup>4</sup>	Miss. Nev. Or. Va.	Ct. Mo. N. J. <i>*N. M.</i>	3

<sup>4</sup>The Tennessee law originally applied only to counties of over 70,000, and towns of over 9000 inhabitants. In 1891 the limit for counties was reduced to 50,000 or over. In 1897 the application of the law was extended to all "towns, cities and civil districts" having a population of 2,500 or over, the limit in the case of counties remaining at 50,000 or over. In 1901 the application of the law was again extended by chapter 147, but this act was declared unconstitutional by the supreme court in 1906. (*J. Freeman et al. v. The City of Lawrenceburg*, case no. 23615, Minute book 26, p. 117; not reported in regular Tennessee reports.) In 1903 the application of the law was extended to Montgomery and Henderson counties, and in 1905 to Maury county, by special acts. It applies at present, therefore, to about one-seventh of the total number of electoral districts in the state.

DATE	PARTY COLUMN ARRANGEMENT			OFFICE GROUP ARRANGEMENT			AUSTRALIAN BALLOT LAWS	COMPRO-MISE LAWS	NO PRO-VISION	
	A	B	A	B						
1906	Ala. Ari. Cal. Del. Id. Ill. Ind. Kan. Ky. La. Me. Mich. N. H.	N. Y. N. D. O. Ok. R. I. S. D. Tex. U. Vt. Wash. W. Va. Wis. Wy.	Iowa. Mon.	Col. Neb. Pa.	Ark. Fla. Md. Mass. Minn.	Miss. Nev. Or. Va.	Tenn. <sup>4</sup>	40	I Ct. Mo. N. J. N. M.	
1907	No changes.									
1908	No changes.									
1909	Ala. Ari. Cal. Ct. Del. Id. Ill. Ind. Kan. Ky. La. Me. Mich. N. H.	N. Y. N. D. O. R. I. S. D. Tex. U. Vt. Wash. W. Va. Wis. Wyo. <u>*N. C.<sup>8</sup></u>	Ia. Mon.	Col. Neb. Pa.	Ark. Fla. Md. Mass. Minn.	Miss. Nev. Or. Va.	Tenn. <sup>4</sup>	41	2 Mo. N. J. N. M.	2
1910	Ala. Ari. Cal. Ct. Del. Id. Ill. Ind. Kan. Ky. La. Me. Mich. N. H.	N. Y. N. D. O. Ok. R. I. S. D. Tex. U. Vt. Wash. W. Va. Wis. Wy. <u>N. C.<sup>8</sup></u>	Ia. Mon.	Col. Neb. Pa.	Ark. Fla. Md. Mass. Minn.	Miss. Nev. Or. Va.	Tenn. <sup>4</sup>	41	2 Mo. N. J. N. M.	(Ga.) (S. C.)

<sup>7</sup> The first Texas law applied only to cities of 10,000 inhabitants or over, and only on the petition of at least 500 citizens. In 1903 a state-wide law was enacted providing for separate official ballots for each party, and in 1905 this law was repealed and the present state-wide Australian ballot law enacted.

<sup>8</sup> The North Carolina law of 1909 applies only to New Hanover county.

## Part 3

### DIGEST OF BALLOT LAWS

This part contains a digest of chief features of existing state ballot laws arranged for each state under the following subheads:

Constitutional provisions

Procedure by which names of candidates are placed on ballot

Form of ballot

Rules for marking the ballot

#### ALABAMA

##### **Constitutional provisions**

"All elections by the people shall be by ballot . . ." (Const. 1901 art.8 § 179). "Upon the ballots used at all elections provided for in section 284 of this Constitution [i. e. ballots for constitutional amendments], the substance or subject-matter of each proposed amendment shall be so printed that the nature thereof shall be clearly indicated. Following such proposed amendment on the ballot shall be printed the word 'Yes' and immediately under that shall be printed the word 'No.' The choice of the elector shall be indicated by a cross mark made by him or under his direction opposite the word expressing his desire . . ." (Const. 1901 art.18 § 285).

##### **Procedure by which names of candidates are placed on the ballot**

By *certificate of nomination*, signed by

- 1 Presiding officer and secretary of any caucus, convention, mass meeting or other assembly of any political party or faction in the state.
- 2 Chairman and secretary of the canvassing board of any direct primary election.
- 3 Qualified electors to the number of:
  - (a) for a state or federal office, 300; (b) for a county or municipal office, 25.

*Filed with the secretary of state or the probate judges of the several counties [P. C. § 372; Laws 1903 p.438 § 60].*

##### **Form of ballot**

- 1 *Official*; prepared and distributed by the probate judges of the several counties (or, for separate municipal elections, by the

mayors or other executive officers of cities or towns) at public expense [P. C. § 372, 389, 391, 394-95; Laws 1903 p.438 § 60, 65, 67, 70, 71]; obtainable by the voters only from the election officers, at the polls, on election day [P. C. § 389, 399; Laws 1903 p.438 § 75].

- 2 *Blanket* [P. C. § 378; Laws 1903 p.438 § 62].
- 3 *Party column*; emblems; column for independent nominations at right of party columns [P. C. § 379, 380; Laws 1903 p.438 § 63].
- 4 Special circles for voting a straight party ticket [P. C. § 381; Laws 1903 p.438 § 64].
- 5 No candidate's name is to appear in more than one place on the ballot, or under more than one emblem [Acts 1909 p.277]. No provision as to which emblem a candidate's name is to be placed under in case he is nominated by two or more parties.
- 6 Blank column at right of ballot for writing in names [P. C. § 379-80; Laws 1903 p.438 § 63].
- 7 Each ballot provided with a detachable stub on which one of the inspectors must write his name or initials before delivering the ballot to a voter [P. C. § 393, 399; Laws 1903 p.438 § 69, 75]. Ballots to be numbered in the order of voting, the number being written in ink on the back of the ballot itself. A voter may also write his name on his ballot. [P. C. § 354; Laws 1903 p.438 § 34½].
- 8 No provision for any printed indorsement on the back, or outside, of the ballot.
- 9 No provision for separate ballots for any local or other officers voted for at general elections. Constitutional amendments and other questions submitted are printed on the general ballot in a separate column at the right, "the substance or subject-matter of each" being "so printed that the nature thereof shall be clearly indicated." [P. C. § 390; Laws 1903 p.438 § 66].
- 10 No provision for the printing, distribution or posting of sample ballots.

#### **Rules for marking**

To vote a straight party ticket the voter is to put a cross mark in the party circle. If he wishes to split his vote, he may, besides the cross in the party circle, put a cross mark in the circle before the name of any individual candidate on any other ticket; but if two or more persons are to be elected to one office and he votes for one

or more candidates for such office on another ticket, he must erase an equal number of names of candidates for the same office on his own party ticket. The voter may also vote a split ticket by putting cross marks only before the names of the individual candidates, leaving the party circle unmarked; or he may write in the blank column the name of any person whose name is not printed on the ballot. The voter may, if he chooses, leave any office blank by marking in the party circle and erasing the name of the party candidate for such office. [P. C. § 381-87, 390; Laws 1903 p.438 § 63, 66].

#### ARIZONA

##### **Constitutional provisions**

The organic law of the territory contains no provisions as to ballots.

##### **Procedure by which names of candidates are placed on the ballot**

- 1 On *canvass* of the returns of *direct primary elections* by county and city boards of canvassers, and on certification to the board of supervisors of each county, by the secretary of the territory, of the names of the candidates nominated for territorial offices or offices of any district larger than a county (Laws 1909 ch.24 § 13-15).
- 2 By *certificate of nomination* signed by voters residing within the political division for which the nomination is made, to the number of at least 1% of the entire vote cast at the last preceding election in such political division (R. S. § 2320; Laws 1891 no.64 § 6). *Filed with* the secretary of the territory, the board of supervisors of a county or the recorder or clerk of a city, village or town (R. S. § 2319; Laws 1891 no.64 § 5).

##### **Form of ballot**

- 1 *Official*; prepared and distributed by the county boards of supervisors, or, for municipal elections, by the recorders or clerks of the several towns, cities or villages, at public expense (R. S. § 2316, 2329, 2334; Laws 1891 no.64 § 1, 15, 21); obtainable by the voters only at the polling places and from the election officers (R. S. § 2338, 2348; Laws 1891 no.64 § 25, 36).
- 2 *Blanket* (R. S. § 2330; Laws 1891 no.64 § 17, 1895 no.44 § 1).
- 3 *Party column*; emblems. No special arrangement of columns prescribed (R. S. § 2330).

- 4 Special squares for voting a straight party ticket (R. S. § 2330-31; Laws 1891 no.64 § 17, 26, 1895 no.44 § 1, 2).
- 5 No limitation as to the number of times a candidate's name may appear on the ballot.
- 6 Blank spaces under the names of the several candidates for writing in names (R. S. § 2330).
- 7 The ballots are provided with detachable stubs which are consecutively numbered and which are also to be numbered by the ballot clerk according to the registration book. The names of the voters are to be numbered on the poll lists with the consecutive numbers which are on the stubs of the ballots delivered to them. The ballot clerk is also to write his name on each stub before delivering the ballot to the voter. The stub is to be torn off by one of the inspectors before the ballot is deposited in the ballot-box. (R. S. § 2330, 2338; Laws 1891 no.64 § 17 (as amended by Laws 1895 no.44 § 1), § 18 (not reprinted in R. S.), § 25).
- 8 Each ballot to have printed on the back, across the perforated line separating it from the stub and at right angles thereto, the official title and a facsimile of the signature of the officer causing the ballots to be printed, together with the words "official ballot," the date of the election and the designation of the district or precinct in which it is to be used (R. S. § 2330).
- 9 No provision for separate ballots for any local or other officers voted for at general elections. Questions submitted to popular vote printed, by brief title only, at the foot of the general ballot. (R. S. § 2327, 2330; Laws 1891 no.64 § 13).
- 10 Five sample ballots to be provided for each polling place; to be printed on muslin or cloth, but to be in all other respects the same as the official ballots (R. S. § 2330).

#### Rules for marking

The instructions are as follows: "To vote the straight ticket of any party, place an X in the square underneath the vignette and name of the party or organization for which you wish to vote. If you do not wish to vote the straight ticket, put an X in the square before the name of each candidate that you wish to vote for on the entire ticket. If you wish to vote for a person whose name is not printed on the ballot, write such name in the blank space opposite the office he is a candidate for." (R. S. § 2331; Laws 1895 no.44

§ 2. But cf. R. S. § 2339; Laws 1891 no.64 § 26, which is not entirely consistent with § 2331).

### ARKANSAS

#### Constitutional provisions

"All elections by the people shall be by ballot. Every ballot shall be numbered in the order in which it shall be received, and the number recorded by the election officers on the list of voters opposite the name of the elector who presents the ballot." (Const. 1874 art.3 § 3).

#### **Procedure by which names of candidates are placed on the ballot**

By *certificate of nomination*, signed by

- 1 The canvassing board of a direct primary election.
- 2 The chairman and secretary of any nominating convention held by the authority of any organized political party in the state or in any subdivision thereof.
- 3 Qualified voters to the number of:
  - (a) for a state, district or county office, not more than 1000 nor less than 50.
  - (b) for a town, city or ward office, not more than 50 nor less than 10.

*Filed with* the secretary of state or the board of county election commissioners of any county (Kirby's Digest § 2777, 2779; Laws 1891 no.30 § 22).

#### **Form of ballot**

- 1 *Official*; prepared and distributed by the several boards of county election commissioners at public expense (Kirby's Digest § 2787-89; Laws 1891 no.30 § 19-20, and § 29 as amended March 26, 1891); obtainable by the voters only on election day, at the polling places and from the election officers (Kirby's Digest § 2817, 2820-21; Laws 1891 no.30 § 32, 35-36).
- 2 *Blanket* (Kirby's Digest § 2790; Laws 1891 no.30 § 21).
- 3 *Office group*; method of arranging the candidates' names under each office not expressly prescribed; order of offices left to the officer charged with printing the ballots. No provision in the text about party designations, but in the appended "form" each candidate's name is followed by that of his party, abbreviated. (Kirby's Digest § 2792; Laws 1891 no.30 as amended by no.73).
- 4 No special provision for voting a straight party ticket.

- 5 No express provision that a candidate's name is to appear but once on the ballot.
- 6 Blank spaces under each office group for writing in names, as many as there are persons to be elected to such office (Kirby's Digest § 2790).
- 7 No provision for detachable stubs. One of the election judges must write his name or initials on the back of each ballot before delivering it to a voter. When the ballots are returned, and before they are deposited in the ballot-box, they are to be numbered consecutively on the backs, in the order of voting. (Kirby's Digest § 2811, 2815, 2817; Laws 1891 no.30 § 32, 1875 p.92 § 23, 31. Cf. Const. art.3 § 3).
- 8 No provision for any printed indorsement on the back, or outside, of the ballot.
- 9 No separate ballots for local or other officers voted for at general elections. Constitutional amendments and other questions submitted are printed on the general ballots by very brief titles, as, for example, "For Amendment No. 9," "Against Amendment No. 10." (Kirby's Digest § 2785; Laws 1891 no.30 § 27. Cf. also the ballots themselves).
- 10 No provision for the printing, distribution, or posting of sample ballots.

#### **Rules for marking**

The voter "shall scratch off, erase or cross out the names of all candidates except those for whom he wishes to vote, and write the name of any person for whom he may wish to vote whose name is not printed where he would have it, or not printed on the ballot at all. In the case of a constitutional amendment or other question . . . the elector shall cross out parts of his ballot in such manner that the remaining part shall be as he wishes to vote." No voting squares are provided for opposite the names of the candidates. (Kirby's Digest § 2817; Laws 1891 no.30 § 32).

#### **CALIFORNIA**

##### **Constitutional provisions**

"All elections by the people shall be by ballot, or by such other method as may be prescribed by law; provided, that secrecy in voting be preserved" (Const. 1879 art.2 § 5; amendment adopted Nov. 3, 1896).

"The inhibitions of this constitution to the contrary notwithstanding, the legislature shall have power to provide that in differ-

ent parts of the state different methods may be employed for receiving and registering the will of the people as expressed at elections, and may provide that mechanical devices may be used within designated subdivisions of the state at the option of the local authority indicated by the legislature for that purpose" (Const. 1879 art.2 § 6; amendment adopted Nov. 4, 1902).

#### **Procedure by which names of candidates are placed on the ballot**

- 1 On *canvass* (by a county board of supervisors, the board of election commissioners of any city and county, or the officers charged by law with the duty of canvassing the returns of a municipal primary election) of the returns of a *direct primary election* and statement of the candidates nominated thereat for local offices; and on certification by the secretary of state of the candidates nominated thereat for offices voted for in more than one county (Laws 1909 ch.405 § 22-23).
- 2 By *certificate of nomination*, signed by electors to a number equivalent to at least 3% of the total vote at the last preceding election in the state, or in the political subdivision thereof for which the nomination is made (P. C. § 1188; Laws 1891 ch.130 as amended by 1893 ch.220, 1899 ch.33, 1901 ch.187, 1907 ch.345 § 7). *Filed with* the secretary of state, the county clerk of any county, or the clerk or secretary of the legislative body of any incorporated city or town (P.C. § 1189; Laws 1891 ch.130).

#### **Form of ballot**

- 1 *Official*; prepared and distributed by the county clerks, or by the clerks of the legislative bodies of incorporated cities or towns (or by the registrars of voters of counties, or consolidated cities and counties, having such officers) (P. C. § 1196, 1201, 1216; Laws 1891 ch.130 as amended by 1899 ch.101); obtainable by the voters only from the election officers, at the polling places, on election day (P. C. § 1204 and 1215; Laws 1891 ch.130 as amended by 1895 ch.216, 1899 ch.53 and 1905 ch.230).
- 2 *Blanket* (P. C. § 1197; Laws 1891 ch.130 as amended by 1893 ch.220, 1899 ch.101, 1903 ch.134).
- 3 *Party column*; without emblems; columns arranged from left to right according to the size of the vote cast by the several parties for governor at the last preceding election, the party

which polled the largest vote being placed first, and so on (P. C. § 1197 subd. 1, 2).

- 4 Special circles for voting a straight party ticket (Code § 1197 subd.4).
- 5 Blank column at the right of the ballot for writing in names (P. C. § 1197 subd.3).
- 6 No limitation as to the number of times that a candidate's name may appear on the ballot.
- 7 Each ballot provided with a detachable stub or strip at the right-hand side of the ballot, as well as with one which remains in the stub-book. Both numbered consecutively. When a set of ballots is delivered to a voter, the numbers on the stubs are entered opposite his name on the register, and when the ballots are returned by him, their stub numbers are compared with those on the register before they are deposited in the ballot-box. (P. C. § 1197 subd.6, § 1205; Laws 1891 ch.130, 1893 ch.220, 1899 ch.101, 1903 ch.134).
- 8 On the back, or outside, of the ballot are printed the words "General Ticket" or "Municipal Ticket," and the number of the congressional, senatorial and assembly district in which it is to be used (P. C. § 1197 subd. 6). Special watermarked paper is also used and the watermark shows on the outside of the ballot when the ballot is folded (P. C. § 1196).
- 9 Separate ballots, on paper of a different color from that of the general ballots, are provided for city, and city and county, officers (P. C. § 1197 subd.6). Constitutional amendments and other questions printed on the general ballots, the former by reasonably full, the latter by very brief, titles (P. C. § 1197 subd.9).
- 10 Sample ballots, equal in number to the official ballots, printed on plain white paper without watermark, and with the words "Sample ballot" on the back. For five days before the election, any voter can obtain one of these sample ballots from the officer charged with printing the ballots. (P. C. § 1210; Laws 1891 ch.130 as amended by 1899 ch.101).

#### Rules for marking

To vote a straight ticket, the voter is to stamp a cross in one of the party circles, or crosses in the voting squares opposite the names of all the candidates of his party. To vote a split ticket,

he is to stamp crosses in the voting squares opposite the names of the individual candidates of each party for whom he wishes to vote, or he may write in the blank column the name of any person not printed on the ballot. When two or more persons are to be elected to one office, the voter must stamp crosses opposite the names of as many individual candidates, whether of his own party or of any other, as there are persons to be elected to such office. In the case of a constitutional amendment or other question, the voter is to stamp a cross in the square opposite the answer which he wishes to give. (P. C. § 1205; Laws 1891 ch.130 as amended by 1893 ch.220, 1899 ch.101, 1903 ch.134).

### COLORADO

#### Constitutional provisions

"All elections by the people shall be by ballot, and in case paper ballots are required to be used, every ballot shall be numbered in the order in which it shall be received, and the number recorded by the election officers on the list of voters opposite the name of the voter who presents the ballot. . . Nothing in this section, however, shall be construed to prevent the use of any machine or mechanical contrivance for the purpose of receiving and registering the votes cast at any election, provided that secrecy in voting be preserved." (Const. 1876 art.7 § 8 as amended Nov. 6, 1906).

#### Procedure by which names of candidates are placed on the ballot

On *certificate of nomination*, signed by

- 1 State and local boards of canvassers of a direct primary election of any political party which at the last general election was represented on the official ballot either by regular candidates or by individual nominees, and which polled for its candidate for governor 10% of the total vote cast at such election (Laws 1910 ch.4 § 2, 24).
- 2 (In the case of officers to whom the direct primary law of 1910 does not apply) the presiding officer and secretary of a nominating convention of any political party which, at the last preceding election, polled at least 10% of the entire vote cast in the state, county or other political division or district for which the nomination is made (R. S. § 2151-52; Laws 1891 p.143-44 § 3-4).

3 Voters residing in the political division or district for which the nomination is made to the number of  
 (a) for any office filled by the voters of the entire state, 500.  
 (b) for any office filled by the voters of any district less than the state and greater than a county, or by the voters of an entire city or county, 100.  
 (c) for any office filled by the voters of a ward, town or other division less than a county (other than a city), 50.

(R. S. § 2154; Laws 1891 p.144 § 6).

*Filed with the secretary of state, a county clerk, or a city or town clerk (R. S. § 2153; Laws 1891 p.144 § 5).*

#### Form of ballot

- 1 *Official*; printed and distributed by county clerks, or city or town clerks, at public expense (R. S. § 2241, 2243, 2245; Laws 1891 p.150 § 17, p.153 § 21, p.143 § 1); obtainable by voters only from the election officers, at the polling places, on election day (R. S. § 2252, 2377; Laws 1891 p.156 § 25, p.164 § 37).
- 2 *Blanket* (R. S. § 2235; Laws 1891 p.151 § 18 as amended by 1894 ch.7 § 2).
- 3 *Office group*; names of candidates arranged under each office according to the size of the vote cast by the several parties at the last election, the candidate of the party which polled the largest vote being placed first and so on. No provision as to the order in which the several offices are to be printed. (R. S. § 2235).
- 4 Special provision for voting a straight party ticket by writing in the name of the party in a space provided for this purpose (R. S. § 2236; Laws 1899 ch.94 § 1).
- 5 Blank spaces for writing in names at the end of each office group, as many as there are persons to be chosen to such office (R. S. § 2235).
- 6 No candidate's name to appear more than once on the ballot, but to be followed by the name or political designation of every party or group which has nominated him for the same office (R. S. § 2235).
- 7 Detachable numbered stub on each ballot, as well as another stub which remains in the stub book. Election officer writes initials on stub before delivering ballot to voter. Ballot has

a black square in upper left-hand corner, and the number on the stub of each ballot is written by the election officer on the back of this black square when the stub is torn off, just before the ballot is deposited. The corner is then folded over this number and pasted down, and may not be opened except in case of a contested election. (R. S. § 2235, 2237, 2252, 2259; Laws 1891 p.156-57 § 25-26, 1894 ch.7 § 5, 1901 ch. 72 § 1).

- 8 On the back, or outside, of the ballot are printed the words "official ballot for," followed by the designation of the polling place, the date of the election and a facsimile of the signature of the officer who caused the ballots to be prepared (R. S. § 2235).
- 9 No provision for any separate ballots for local or other officers voted for at general elections. Constitutional amendments, and other questions submitted, printed on the general ballot by brief title and reference. (R. S. § 2235 and form of sample ballot).
- 10 Sample ballots, on colored paper, but in same form as the official ballots, to be provided and open to public inspection before election day; also posted up in polling places (R. S. § 2241).

#### **Rules for marking**

If the voter wishes to vote a straight party ticket, he is to write the name of the party in the space provided for the purpose. To vote a split ticket, he is to put a cross mark in the voting square opposite the name of each candidate; or he may write in the name of a party and put cross marks opposite the names of candidates of other parties. If two or more persons are to be elected to any office, and the voter wishes to vote for one or more candidates for such office not of the party whose name he has written in, he must erase the names of an equal number of candidates for such office of his own party. The voter may also write in the names of persons whose names are not already printed on the ballot. (R. S. § 2235-36, 2259).

### **CONNECTICUT**

#### **Constitutional provisions**

"In all elections of officers of the state, or members of the general assembly, the votes of the electors shall be by ballot" (Const. 1818 art.6 § 7).

"Voting machines or other mechanical devices for voting may be used in all elections in this state, under such regulations as may be prescribed by law: provided, however, that the right of secret voting shall be preserved" (Const. 1818, amendments art.33, adopted Oct. 1905).

#### **Procedure by which names of candidates are placed on the ballot**

By *certified lists of nominees*, prepared by the secretary, and certified by the chairman or presiding officer, of any caucus, convention or meeting held for the nomination of candidates by any party or organization of electors (Pub. Acts 1909 ch.250 § 8).

*Filed with* the secretary of state or the clerk of a town, city or borough (Pub. Acts 1909 ch.250 § 8).

#### **Form of ballot**

- 1 *Official*; printed and distributed at public expense by the secretary of state (Pub. Acts 1909 ch.250 § 1, 5-6); obtainable by the voters only on election day, at the polling places and from the election officers (Pub. Acts 1909 ch.250 § 6, 12-13, 23).
- 2 *Blanket* (Pub. Acts 1909 ch.250 § 1, 15).
- 3 *Party column*; no emblems; columns arranged in such order as the secretary of state may direct, "precedence, however, being given to the party which polled the highest number of votes for governor at the last preceding general election for such office, and so on" (Pub. Acts 1909 ch.250 § 1).
- 4 Special circles for voting a straight party ticket (Pub. Acts 1909 ch.250 § 2).
- 5 A blank column at the right of the ballot for writing in names (Pub. Acts 1909 ch.250 § 1).
- 6 No limitation as to the number of times a candidate's name may appear on the ballot.
- 7 Each ballot provided with a detachable stub. All the ballots for any one polling place are numbered consecutively by numbers printed on the backs of the stubs. There is no provision for noting, in connection with the name of each voter, the number on the stub delivered to him, and comparing this number with that on the stub of the ballot which he returns to be deposited in the ballot-box, to insure that the ballot which he returns is the identical one given to him by the election officers. The stub is merely torn off before the ballot is deposited, and the voter's name is checked off on the registry list. (Pub. Acts 1909 ch.250 § 2, 12, 14).

- 8 On the back, or outside, of the ballot are printed the words "official ballot for," followed by the designation of the town, city, borough, ward or voting district for which the ballot is prepared, the date of the election and a facsimile of the signature of the secretary of state (Pub. Acts 1909 ch.250 § 2).
- 9 No provision for any separate ballots for local, or other, officers voted for at general elections. Pub. Acts 1909 ch.250 § 15). Constitutional amendments and other questions submitted are to be printed on the general ballot, once in a column in which the word "yes" appears under each amendment or measure and once in another column in which the word "no" so appears. A cross in the circle at the head of the first column counts as a vote for, and a cross in the circle at the head of the other column as a vote against, all of the amendments or questions submitted; but each measure may be voted on separately by a cross mark in the individual voting square opposite its title in either column. (Pub. Acts 1909 ch.250 § 3).
- 10 Sample ballots, similar to the official ballots but printed on pink paper, are to be prepared and furnished by the secretary of state, to the number of 25% of the number of official ballots, for general distribution among the voters. An additional supply of them may be obtained by any person on application to the secretary of state and payment of the cost of printing. (Pub. Acts 1909 ch.250 § 7).

#### Rules for marking

To vote a straight party ticket, the voter is to place a cross mark in one of the party circles. To vote a split ticket, he may either omit to mark any of the party circles and place cross marks only in the voting squares opposite the names of individual candidates, or he may mark one of the party circles and place additional cross marks in the voting squares opposite the names of all the individual candidates of other parties for whom he wishes to vote, the marks in the individual voting squares taking precedence over the cross mark in the party circle. If he uses this latter method in the case of an office to which two or more persons are to be elected, he must place a cross mark opposite the name of each candidate for such office for whom he wishes to vote, whether of the party whose party circle he has marked, or of some other party. In no case, however, is he to erase any name or put any mark on the ballot other than a cross mark, except that, to vote for a person whose

name is not printed on the ballot, he may write such person's name in the proper space in the blank column. (Pub. Acts 1909 ch.250 § 1-2).

### DELAWARE

#### Constitutional provisions

"The general election shall be held biennially on the Tuesday next after the first Monday in the month of November, and shall be by ballot; but the general assembly may by law prescribe the means, methods and instruments of voting, so as best to secure secrecy and the independence of the voter, preserve the freedom and purity of elections and prevent fraud, corruption and intimidation thereat" (Const. 1897 art.5 § 1).

"In voting at any general election, upon the question, 'Shall there be a convention to revise the constitution and amend the same?', the ballots shall be separate from those cast for any person voted for at such election, and shall be kept distinct and apart from all other ballots" (Const. 1897 art.16 § 5).

#### Procedure by which names of candidates are placed on the ballot

On *certificate of nomination*, signed by the presiding officer and secretary of the proper party convention or committee of any party representing at least 100 bona fide citizens and voters of the county in which exists (R. S. p.175; Laws 1891 ch.37 § 3, 4). *Filed with the clerks of the peace of the several counties of the state.*

#### Form of ballot

- 1 *Official*; printed and distributed by the clerks of the peace of the several counties, at public expense (R. S. p.175, 177; Laws 1891 ch.37 § 4, 12); obtainable by the voters only from the election officers on election day and at the polling places (R. S. p.178, 181-82; Laws 1891 ch.37 § 13, 15, 23, 30).
- 2 *Blanket* (R. S. p.176; Laws 1891 ch.37 § 8).
- 3 *Party column*, emblems; columns arranged as follows: Democratic first; Republican second; others in such order as the clerk of the peace may decide (R. S. p.176; Laws 1891 ch.37 § 8 as amended by 1897 ch.396 § 2).
- 4 Special provision for voting a straight ticket (same reference).
- 5 No special provision for any blank spaces or blank column for writing in names.
- 6 No limitation as to the number of times a candidate's name may appear on the ballot.
- 7 No provision for detachable stubs or for any system of number-

ing the ballots. The clerks of election write their initials (in their ordinary writing, and without any distinguishing mark of any kind) on the back of each ballot before delivering it to a voter; and, as each voter votes, the word "voted" is written after his name in the poll-book. (R. S. p.178-79; Laws 1891 ch.37 § 15 (as amended by 1897 ch. 396 § 9), § 19).

- 8 No provision for any printed indorsement on the back, or outside, of the ballot.
- 9 No provision for separate ballots for any local, or other, officers voted for at general state elections. Constitutional amendments not submitted to popular vote, but for the question whether or not there shall be a convention to amend the constitution, and for any other questions submitted, separate ballots are provided. (Const. art.16 § 5; Letter from sec. of state).
- 10 Sample ballots to be provided, three for each polling place; printed on colored paper, but otherwise the same as the official ballots (R. S. p.179; Laws 1891 ch.37 § 16).

#### **Rules for marking**

To vote a straight party ticket, the voter must make a cross mark in the square inclosing the party emblem. To vote a split ticket, he is to mark this square, erase the name of any person in the column under it for whom he does not wish to vote, and write in the name of any person already on the ballot as a candidate for the same office as the person whose name was erased. *If he writes in any name not already on the ballot as a candidate for the office to be voted for, his ballot is treated as a marked ballot, and declared void.* No voting squares are provided opposite the names of the individual candidates. (Laws 1897 ch.396 § 2 as amended by 1901 ch.62).

#### **FLORIDA**

##### **Constitutional provisions**

" . . . in all elections by the people the vote shall be by ballot."

"The legislature shall enact such laws as will preserve the purity of the ballot given under this constitution" (Const. 1885 art.6 § 6, 9).

##### **Procedure by which names of candidates are placed on the ballot**

- I By *certificate of nomination*, signed by the canvassing board of a primary election, or the presiding officer and secretary of

any caucus, convention, mass meeting or other assembly, of and political party or faction in the state.

- 2 By *written petition*, signed by qualified electors to the number of
  - (a) for a federal or state office, 500
  - (b) for a county or municipal office, 25

*Filed with* the secretary of state, the board of commissioners of a county, or a city or town council.

(G. S. § 212; Acts 1895 no.7 § 30, 1897 no.23 § 10).

#### Form of ballot

- 1 *Official*; printed and distributed by the boards of commissioners of the several counties, and the councils of cities and towns, at public expense (G. S. § 203, 211-12, 222; Acts 1895 no.7 § 7, 29-30, 37, 1897 no.23 § 7, 10, 11) obtainable by the voters only from the election officers at the polls on election day (G. S. § 230, 234, 3835; Acts 1895 no.7 § 46, 53, 55, no.8 § 3, 1897 no.22 § 2. The provisions on this point are not as explicit as in most of the other states).
- 2 *Blanket* (G. S. § 212, 217; Laws 1895 no.7 § 33).
- 3 *Office group*; no provision as to the order in which the candidates' names are to be arranged under each office, but the order in which the several offices shall be printed is left to the officer charged with printing the ballots; no party designations after the candidates' names, nor anywhere else on the ballot (G. S. § 217, 219-20; Acts 1895 no.7 § 33, 35, as amended by 1907 no.17).
- 4 No special provision for voting a straight party ticket.
- 5 As many blank spaces after each office group for writing in names as there are persons to be elected to such office (G. S. § 212).
- 6 No express limitation as to the number of times a candidate's name may appear on the ballot.
- 7 Detachable stub on each ballot. At least one of the election inspectors writes his initials on this stub before delivering the ballot to a voter, and, on the return of the ballot, detaches the stub, numbers it with the proper consecutive number, files it and deposits the ballot in the ballot-box. (G. S. § 221, 230, 234; Acts 1895 no.7 § 36, 46 (as amended by 1895 no.8 § 3), 53).
- 8 No provision for any printed indorsement on the outside or back of the ballot.

- 9 No provision for separate ballots for any local or other officers voted for at general elections. Constitutional amendments and other questions printed on the general ballot, "the substance of each" being "indicated" (as a matter of fact, only by the briefest sort of heading). (G. S. § 218; Acts 1895 no.7 § 34).
- 10 No provision for the printing, distribution or posting of sample ballots.

#### **Rules for marking**

The only method provided for marking the ballot is to put a cross mark in the margin opposite the name of each candidate to be voted for, or to write in the name of any person, whose name is not printed on the ballot, in the blank space provided therefor and make a cross mark in the margin opposite thereto. No voting squares are provided for. To vote on any question submitted, the voter is to put a cross mark opposite the answer which he desires to give. (G. S. § 230; Acts 1895 no.8 § 3, amending 1895 no.7 § 46).

### **GEORGIA**

#### **Constitutional provisions**

"In all elections by the people the electors shall vote by ballot" (Const. 1897 art.2 § 1 ¶ 1. An amendment adopted October 1908 altered this paragraph to read as follows: "After the year 1908 elections by the people shall be by ballot . . .").

#### **Procedure by which names of candidates are placed on the ballot**

No provision of any sort as to how the names of candidates are to be given a place on the ballots. All this is left to the several parties.

#### **Form of ballot**

No provision for official ballots of any sort. The printing and distribution of ballots is left entirely to the several party organizations or groups of voters.

The only statutory provisions dealing with the form of ballot to be used and the handling of ballots on election day are as follows:

"All persons whose names appear on the list of registered voters placed in possession of the election managers, and no others, shall be allowed to deposit their ballots according to law, at the voting precinct of the militia district or city ward in which they are registered, but not elsewhere, except as hereinafter provided" (P. C. § 60; Acts 1894 p.120).

"1 The vote shall be given by ballot. . . .  
 3 As each ballot is received, the number of the voter on the list  
     shall be marked on his ballot before being deposited in the  
     box.  
 4 When any voter is challenged and sworn it shall be so written  
     opposite his name on the list, and also on his ballot." (P. C.  
     § 72; C. 1861 § 1234; C. 1873 § 1288; C. 1882 § 1288).

#### **Rules for marking**

No rules of any sort as to marking the ballot. Each voter may mark his ballot where and as he pleases. No voting booths are provided for and the ballots are merely brought to the polls on election day and deposited.

### **IDAHO**

#### **Constitutional provisions**

"All elections by the people must be by ballot. An absolutely secret ballot is hereby guaranteed, and it shall be the duty of the legislature to enact such laws as shall carry this section into effect." (Const. 1889 art.6 § 1).

#### **Procedure by which names of candidates are placed on the ballot**

By *certificate of nomination*, signed by

- 1 The state board of canvassers, or a county board of canvassers, of a direct primary election of any political party which at the last preceding general election nominated at least three candidates for state offices, and polled for any of its candidates at least 10% of the total vote cast in the state (Laws 1909 p.196 § 37-38).
- 2 (In the case of candidates for city and town offices, and candidates of parties to which the direct primary law of 1909 does not apply) the presiding officer and secretary of any convention or primary meeting representing a political party or principle (P. C. § 382-83, 391; Laws 1899 p.33 § 16, 17, 25).
- 3 Qualified electors residing within the district for which the nomination is made, to the number of
  - (a) state office, 300
  - (b) district office, or one which is to be voted for by the voters of any political division including two or more counties, 150
  - (c) county office, 50

(d) township, precinct or ward office, 10  
(P. C. § 385; Laws 1899 p.33 § 19).

*Filed with* the secretary of state, a county auditor or the clerk of a municipal corporation (P. C. § 384; Laws 1899 p.33 § 18).

#### Form of ballot

- 1 *Official*; printed and distributed by the county auditors and the clerks of municipal corporations, at public expense (P. C. § 404, 410; Laws 1899 p.33 § 46, 47, 53); obtainable by the voters only from the election officers, at the polls, on election day (P. C. § 408, 423; Laws 1899 p.33 § 51, 68).
- 2 *Blanket* (P. C. § 405; Laws 1899 p.33 § 48, as amended by 1903 p.354 § 1 and 1905 p.311 § 1).
- 3 *Party column*, emblems; no provision as to the order of the columns (P. C. § 405).
- 4 Special circles for voting a straight party ticket (P. C. § 405).
- 5 Blank column at the right of the ballot for writing in names (P. C. § 405).
- 6 No candidate's name is to appear in more than one column on the ballot; but in case a candidate is nominated by two or more parties or groups for the same office there is no provision as to which column his name shall be printed in (P. C. § 405).
- 7 No provision for detachable stubs, except those which remain in the stub-book when the ballots are torn out and given to the voters, and which are numbered consecutively. Ballots themselves are not numbered or initialed. (P. C. § 405 also § 440; Laws 1899 p.33 § 89). The election officers stamp on the back of each ballot, with an official stamp which is kept secret and changed before each election, the words "official ballot" and the date of election (P. C. § 402, 423; Laws 1899 p.33 § 44, 68).
- 8 No provision for any printed indorsement on the back or outside of the ballot.
- 9 No provision for any separate ballots for local or other officers voted for at general elections. Constitutional amendments printed by brief descriptive titles, on a separate pink ballot. All other state questions submitted, except county seat and boundary questions printed on a separate light blue ballot. (P. C. § 405). Still other separate ballots for county and municipal questions (P. C. § 406; Laws 1899 p.33 § 49).

10 Sample ballots, on colored paper and without the official indorsement, but otherwise like the official ballots, to be printed; six to be posted in each polling place, and one extra one to be provided for each 50 registered voters or additional fraction thereof (P. C. § 413; Laws 1899 p.33 § 56).

#### **Rules for marking.**

To vote a straight ticket, the voter is to put a cross mark in one of the party circles, or cross marks in the voting circles opposite the names of all the party candidates. To vote a split ticket, he is to put a cross mark in the party circle, and other cross marks in the voting circles opposite the names of the candidates of other parties to be voted for; but in this case, he must erase the names of the corresponding candidates of his own party; or he may mark only opposite the names of the individual candidates; or he may write in the names of other persons in the blank column and put cross marks opposite them. (P. C. § 405 also § 419; Laws 1899 p.33 § 69).

### **ILLINOIS**

#### **Constitutional provisions**

"All votes shall be by ballot" (Const. 1870 art.7 § 2).

#### **Procedure by which names of candidates are placed on the ballot**

By *certificate of nomination*, signed by

- 1 The board of canvassers of a direct primary election of any party which polled at least 2% of the total vote in the state at the last election in the political division for which the nomination is made (Laws 1910 p.46 § 57-58, p.77 § 13).
- 2 The board of canvassers of a non-partisan direct primary election for the nomination of municipal officers in any city or village of not over 200,000 inhabitants which has adopted the commission form of government (Laws 1910 p.12 § 12-13, 16-17).
- 3 In the case of the few offices to which the direct primary law does not apply, the presiding officer and secretary of "any convention of delegates, caucus or meeting representing a political party which at the general election next preceding polled at least 2% of the entire vote cast in the state" or in the political subdivision for which the nomination is made (R. S. ch.46 § 291; Laws 1891 p.107 § 4).

By *nomination papers*, signed by qualified voters to the number of

- (a) for any office to be filled by the voters of the state at large, at least 1000
- (b) for any office to be filled by the voters of any district or political division less than the state, or any city of 5000 inhabitants or over, at least one for every 50 voters in such political division or city at the last general election, but in no case less than 25
- (c) for elections to be held in a town, village, precinct or ward, or in any city of less than 5000 inhabitants, at least 5% of the total number of voters at the last general election

(R. S. ch.46 § 292; Laws 1891 p.107 § 5).

*Filed with* the secretary of state, a county clerk or the clerk of a town, city, village or incorporated town (R. S. ch.46 § 294; Laws 1891 p.107 § 7, 1905 p.208).

#### Form of ballot

- 1 *Official*; printed and distributed by county, city, town or village clerks at public expense (R. S. ch.46 § 288-89, 302; Laws 1891 p.107 § 1, 2, 15); obtainable by the voters only from the election officers, at the polls, on election day (R. S. ch.46 § 301; Laws 1891 p.107 § 22 (as amended by Laws 1899 p.151) and § 23).
- 2 *Blanket* (R. S. ch.46 § 301; Laws 1891 p.107 § 14).
- 3 *Party column*, no emblems; columns arranged in such order as the officer charged with printing the ballots may decide, but the columns for independent nominations are always to follow the party columns (R. S. ch.46 § 301).
- 4 Special circles for voting a straight party ticket (R. S. ch.46 § 301 also § 310; Laws 1891 p. 107 § 23).
- 5 No special provision for a blank column or blank spaces; merely referred to indirectly in R. S. ch.46 § 310.
- 6 No candidate's name is to appear more than once on the ballot. If a candidate is nominated by two or more parties or independent groups, he must choose in which column his name shall be printed, and if he fails to do so, his name is not to be printed at all. No candidate whose name appears elsewhere on the ballot may be nominated for the same office by petition. (R. S. ch.46 § 292 also § 295; Laws 1891 p.107 § 8, 1897 p.211, 1903 p.174).

- 7 No provision for detachable stubs or for any system of numbering the ballots; but one of the judges writes his initials on the back of each ballot before delivering it to a voter. The writing of the voter's number on the back of the ballot itself was specifically forbidden by the Law of 1891. (R. S. ch.46 § 309-10).
- 8 On the back, or outside, of the ballot are printed the words "official ballot," followed by the designation of the polling place, the date of the election, and a facsimile of the signature of the officer charged with printing the ballots (R. S. ch.46 § 301).
- 9 No separate ballots for local or other officers voted for at general elections; but for municipal elections in cities of less than 200,000 inhabitants which adopt the commission form of government, the ballots are to be of the office group form, without party designations, and are to contain only the names of the two candidates for each office who received the largest number of votes at a non-partisan direct primary election (Laws 1910 p.12 § 12-16). There is a separate ballot, or ballots (the law is not clear and is differently interpreted in different parts of the state), for constitutional amendments and other questions submitted, including questions submitted under the public opinion law of 1901, the substance of the amendment or measure being clearly indicated on the ballot (R. S. ch.46 § 303, 429; Laws 1891 p.107 § 16, 1899 p.151, 1901 p.198. Letter from sec. of state).
- 10 Five or more "specimen ballots," substantially in the same form as the official ballots but on different colored paper, to be posted in prominent places in each precinct before election day (R. S. ch.46 § 306; Laws 1891 p.107 § 19, 1897 p.211, 1899 p.151).

#### Rules for marking

To vote a straight ticket, the voter is to put a cross mark in the party circle, or opposite the name of each candidate of the party. To vote a split ticket, he is to put a cross mark in the party circle and other cross marks in the voting squares opposite the names of individual candidates on other tickets; or he may leave his party circle unmarked and put cross marks only opposite the names of the individual candidates; or he may write in the name of any person for whom he wishes to vote for any office and put a cross

mark opposite such name. In the case of a constitutional amendment or other question, he is to put a cross mark opposite the answer which he desires to give. (R. S. ch.46 § 310). In voting for representatives in the general assembly, the voter may give one vote each to three candidates, or two votes to one candidate and one to another, or one and one-half votes each to two candidates, or three votes to one (R. S. ch.46 § 304; Laws 1891 p.107 § 17).

#### INDIANA

##### **Constitutional provisions**

"All elections by the people shall be by ballot . . ." (Const. 1851 art.2 § 13).

##### **Procedure by which names of candidates are placed on the ballot**

By *certificate of nomination*, signed by

- 1 The presiding officer and secretary of a nominating convention of "any party that cast 1% of the total vote of the state at the last preceding general election."
- 2 By the chairman or secretary of any county or township committee of any party that cast 1% of the total vote of the state at the last preceding general election, in the case of candidates nominated by direct primary elections.
- 3 Electors, qualified to vote for the office in question, to the number of
  - (a) for any officer voted for by all the voters of the state, 500
  - (b) for a congressman from any district, 200
  - (c) for a county officer, member of the general assembly, circuit judge or prosecuting attorney, 25
  - (d) for an officer of any township, ward, or other division less than a county, 20

(R. S. § 6899; Acts 1889 p.157 § 18).

*Filed with the governor, the clerk of the circuit court of any county, or a city or town clerk (R. S. § 6899 also § 6947; Acts 1889 p.157 § 65 as amended by 1891 p.134).*

##### **Form of ballot**

- 1 *Official*; printed and distributed at public expense by the state, county, city and town boards of election commissioners (R. S. § 6908, 6911, 6915; Acts 1889 p.157 § 26 (as amended by 1891 p.126 and 1897 p.49), § 29 (as amended by 1891 p.127 and 1907 p.282) and § 33); obtainable by the voters only from

the election officers, at the polling places, on election day (R. S. § 6916, 6942; Acts 1889 p.157 § 34 (as amended by 1891 p.128 and 1897 p.49 § 8), and § 60).

- 2 *Blanket* (R. S. § 6908).
- 3 *Party column*, emblems; order of columns is, first, Democratic; second, Republican; the rest in such order as the board of election commissioners shall decide (R. S. § 6908).
- 4 Special circles for voting a straight party ticket (R. S. § 6908).
- 5 No provision for any blank column or blank spaces for writing in names (Cf. Rules for marking).
- 6 No candidate's name is to appear on the ballot more than once. A candidate nominated by two or more parties may choose in which column his name shall be printed, but if he fails to do so, the board of election commissioners is to decide, giving preference, however, to party nominations over nominations by petition. (R. S. § 6900, 6906; Acts 1889 p.157 (as amended by 1891 p.124 and 1897 p.49), 1897 p.49 § 5).
- 7 No provision for detachable stubs or for any system of numbering the ballots (The Act of May 13, 1869, providing for the numbering of each ballot on the back, was declared unconstitutional in 1871, *Williams v. Stein*, 38 Ind. 89.). The poll-clerks initial each ballot on the back before delivering it to a voter (R. S. § 6916; Acts 1889 p.157 § 34 as amended by 1891 p.128 and 1897 p.49).
- 8 No provision for any printed indorsement on the back or outside of the ballot.
- 9 Ballots for federal and state officers on red paper; separate ballots for township officers on yellow paper; all other officers voted for at general state elections on a separate white ballot (R. S. § 6908). Constitutional amendments, and other questions submitted, printed on the general state ballots by a brief synopsis; local questions on local ballots (R. S. § 6944; Acts 1889 p.157 § 62).
- 10 Sample ballots to be provided on different colored paper from the official ballots; three to be posted in each polling place (R. S. § 6917; Acts 1889 p.157 § 35).

#### **Rules for marking**

To vote a straight party ticket, the voter is to put a cross mark in one of the party circles, or cross marks in the voting squares opposite the names of all the party candidates. To vote a split ticket, he is to mark only the individual voting squares. If he

marks the party circle, he must not mark anywhere else on the ballot, under penalty of having his ballot thrown out as void, unless his party ticket is blank as to certain officers. No voter is allowed to write in any name on the ballot. Persons whose names are not printed on the ballot can be voted for only by means of "paster ballots." Such a paster ballot must contain a complete ticket and must include the names of one or more persons whose names are not already printed on the ballot. It must be so shaped as to cover one column on the ballot exactly, and cross marks must be placed after the names of all the candidates mentioned on it, or it will be thrown out. (R. S. § 6927-28; Acts 1889 p.157 § 45-46 as amended by 1891 p.129, 130 and by 1897 p.49).

### IOWA Constitutional provisions

"All elections by the people shall be by ballot" (Const. 1857 art.2 § 6).

**Procedure by which names of candidates are placed on the ballot**

By *certificate of nomination*, signed by

- 1 The state canvassing board of a direct primary election of any party "which, at the last preceding general election, cast for its candidate for governor at least 2% of the total vote cast at said election" (Code Supp. § 1087 subd. a3, a22, a23; Laws 1907 ch.51 § 3, 22-23, 1909 ch.69 § 12, 17).
- 2 (In the case of offices to which the direct primary law does not apply), the presiding officer and secretary of any convention of delegates, "primary, caucus or meeting of qualified electors representing a political party which, at the general election next preceding, polled at least 2% of the entire vote cast in the state," or in the subdivision thereof for which the nomination is made (Code § 1098-99; Laws 1892 ch.33 § 4. 6).

By *nomination papers*, signed by qualified electors to the number of

- (a) for a state officer, 500
- (b) for an officer of a county, district or other division not less than a county, 25
- (c) for a township, city, town or ward officer, 10

(Code § 1100; Laws 1892 ch.33 § 5).

On *canvass*, by the city clerk of a city under the commission form of government, of the result of a non-partisan direct primary election (Code Supp. § 1056 subd. a21; Laws 1907 ch.48 § 5).

Certificates of nomination and nomination papers *filed with* the secretary of state, a county auditor, or the clerk of a city or town (Code § 1104; Laws 1892 ch.33 § 7 as amended by 1896 ch.68 § 1).

#### Form of ballot

- 1 *Official*; printed and distributed at public expense by county auditors and city or town clerks (Code § 1107, 1110; Laws 1892 ch.33 § 15); obtainable by the voters only from the election officers, at the polls on election day (Code § 1114, 1117; Laws 1892 ch.33 § 19-22).
- 2 *Blanket* (Code Supp. 1106; Laws 1892 ch.33 § 14, 16, 1900 ch.35 § 1, 1906 ch.43, 44).
- 3 *Party column*, no emblems; columns printed in such order as the authorities printing the ballots shall decide (Code Supp. § 1106).
- 4 No special method provided for voting a straight party ticket.
- 5 No special provision for a blank column or blank spaces for writing in names (but cf. Rules for marking).
- 6 No candidate's name is to appear on the ballot in more than one place for the same office (except that when a candidate for the office of district judge is nominated by petition by a bar association or convention of attorneys, and indorsed by one or more of the political parties, his name is to be printed in each such party column, as well as in the independent column). When a candidate is nominated by two or more parties for the same office, his name is to be printed in the column of the party which first filed a certificate of his nomination, unless he himself selects another column. (Code Supp. § 1106).
- 7 No provision for detachable stubs, or for any system of numbering the ballots. One of the judges, however, puts his initials on the back of each ballot before delivering the same to a voter. Voter's name also checked on the registry-list and entered on poll-list. (Code Supp. § 1116; Laws 1892 ch.33 § 21).
- 8 On the outside, or back, of the ballot are to be printed the words "official ballot," followed by the designation of the polling place, the date of the election, and a facsmile of the signature of the officer furnishing the ballots (Code Supp. § 1109; Laws 1892 ch.33 § 14, 1906 ch.44 § 2).
- 9 No separate ballots for local or other officers voted for at general elections. For separate city elections in cities of over 25,000 inhabitants under the commission form of government the ballots are of the "office group" form, without party

designations of any sort, and contain only the names of the two candidates for each office who secured the highest vote at a non-partisan direct primary.. (Code Supp. § 1056 subd. a17-a21; Laws 1907 ch.48 § 1-5). All constitutional amendments and other questions submitted, printed in full on a separate yellow ballot (Code Supp. § 1106).

- 10 Sample ballots, on yellow paper; four or more to be posted in each polling place. Provision in regard to them, however, is very incomplete. (Code § 1112; Laws 1892 ch.33 § 18. Cf. ballots themselves).

#### **Rules for marking**

"Upon retiring to the voting booth, the voter shall prepare his ballot by placing a cross in the square opposite the name of each candidate for whom he desires to vote. The voter may also insert in writing, in the proper place, the name of any person for whom he desires to vote, making a cross opposite thereto. The writing of such name without making a cross opposite thereto, or the making a cross opposite such blank without writing a name therein, shall not affect the validity of his vote." (Code Supp. § 1119; Laws 1892 ch.33 § 22, 1900 ch.36 § 1, 1906 ch.44 § 3.)

#### **KANSAS**

##### **Constitutional provisions**

"All elections by the people shall be by ballot. . ." (Const. 1859 art.4 § 1).

##### **Procedure by which names of candidates are placed on the ballot**

By *certificate of nomination*, signed by

- 1 State or county board of canvassers of a direct primary election (or the city council in the case of a city primary election) of any party which polled for any of its candidates at the last preceding general election 1% of the total vote cast in the state or in the subdivision thereof for which the nomination is made, or which presented a petition signed by 2% of the vote at the last election, etc., asking for a separate primary ballot (D. G. S. § 3290, 3303-5; Laws 1908 ch.54 § 2, 13-15).
- 2 (In cities of the first and second classes which have adopted the commission form of government) on canvass of the returns of a non-partisan primary election, in cities of the first class the board of commissioners, in cities of the second class the city clerk (D. G. S. ch.17 art.22, ch.18 art.11; Laws 1907 ch.114 art.3, ch.123 art.2, 1909 ch.74, 82).

3 (In the case of offices excluded from the operation of the direct primary law) the presiding officer and secretary of a nominating convention or caucus of any political party having a national or state organization, or (in the case of city officers in cities of less than 5000 inhabitants) a local organization (D. G. S. § 3250-51, 3290; Laws 1897 ch.129 § 3, 6, 1901 ch.177 § 1, 4, 1908 ch.54 § 2. Under D. G. S. § 3290 this third method would appear to have been entirely eliminated, but according to a letter from the attorney-general of the state it is still in force in the cases above specified.)

By *nomination papers*, signed by qualified voters to the number of

- (a) for an office to be filled by the voters of the entire state, 2500
- (b) for an office to be filled by the voters of any county, district or other division, less than the state and not less than a county, not less than 5% of the qualified voters of the district, and in no case less than 25 voters
- (c) for an office to be filled by the voters of a township, city or ward, not less than 5% of the qualified voters of the district, and in no case less than 10 voters (D. G. S. § 3252; Laws 1897 ch.129 § 5, 1901 ch.177 § 3).

*Filed with* the secretary of state, a county clerk, or a city clerk (D. G. S. § 3254; Laws 1897 ch.129 § 7, 1901 ch.183 § 1).

#### Form of ballot

- 1 *Official*; printed and distributed by county and city clerks at public expense (D. G. S. § 3262; Laws 1909 ch.134 § 1-9); obtainable by the voters only from the election officers, at the polling places, on election day (D.G.S. § 3269-70; Laws 1897 ch.129 § 1, 1901 ch.177 § 9, 1903 ch.228 § 3, 1905 ch.222 § 2).
- 2 *Blanket* (D. G. S. § 3261; Laws 1903 ch.228 § 3, 1905 ch.222 § 2).
- 3 *Party column*; emblems; columns arranged according to the size of the vote cast by the several parties for governor at the last preceding election (D. G. S. § 3261).
- 4 Special circles for voting a straight party ticket (D. G. S. § 3261).
- 5 Blank column at the right of the ballot for writing in names (D. G. S. § 3261).

- 6 No candidate's name is to appear more than once on the ballot. If a candidate is nominated by two or more parties, his name is to be printed in the column of that party which first filed a certificate of his nomination, unless he himself selects another column. (D. G. S. § 3261, also § 3255; Laws 1901 ch. 177 § 1, 1903 ch. 228 § 1).
- 7 The voter's number on the poll-list is to be written by one of the judges on the back of each ballot, in the upper right-hand corner, before a set of ballots is handed to the voter. On the return of the ballots, before their deposit in the ballot-box, the corners containing the numbers are to be clipped off, after the numbers have been compared with those on the poll-list. Each voter's name is also to be checked off on the registry-list as he receives his ballots. (D. G. S. § 3269-70).
- 8 On the back, or outside, of each ballot are to be printed the words "official  $\left\{ \begin{array}{l} \text{general} \\ \text{township} \\ \text{city} \end{array} \right\}$  ballot," the designation of the polling place, the date of the election, and a facsimile of the signature of the officer furnishing the ballots (D. G. S. § 3261).
- 9 Separate ballots for township officers chosen at general elections. Special ballots also, of the "office group" form with no party designations of any sort and containing only the names of the two candidates for each office who received the largest number of votes at a non-partisan direct primary election, for separate municipal elections in cities of the first and second classes adopting the commission form of government. (D. G. S. § 3261; also ch. 17 art. 22 and ch. 18 art. 11). Constitutional amendments and other questions printed on a separate ballot, in the form of brief descriptive questions (D. G. S. § 3263; Laws 1897 ch. 129 § 16, 1901 ch. 177 § 7).
- 10 No provision for the printing, distribution or posting of sample ballots.

#### **Rules for marking**

To vote a straight ticket, the voter is to put a cross mark in the party circle of his party. To vote a split ticket, he is to put cross marks only in the voting squares opposite the names of the individual candidates of the several parties, or a cross mark in his party circle and other marks opposite the names of candidates of other parties. The voter may also write in the blank column the

name of any person whose name is not already printed on the ballot. He is not permitted, however, to make use of pasters. In voting on a constitutional amendment or other question, he is to put a cross mark in the square opposite the answer which he wishes to give. (D. G. S. § 3270).

### KENTUCKY

#### Constitutional provisions

“. . . all elections by the people shall be by secret official ballot, furnished by public authority to the voters at the polls, and marked by each voter at the polls, and then and there deposited. The word ‘elections’ in this section includes the decision of questions submitted to the voters, as well as the choice of officers by them. The first general assembly held after the adoption of this constitution shall pass all necessary laws to enforce this provision, and shall provide that persons illiterate, blind, or in any way disabled, may have their ballots marked as herein required.” (Const. 1891 § 147). In § 155, however, it is provided that the above provisions “shall not apply to the election of school trustees and other common school district elections. Said elections shall be regulated by the general assembly, except as otherwise provided in this Constitution.”

**Procedure by which names of candidates are placed on the ballot**  
By *certificate of nomination*, signed by

- 1 The presiding officer and secretary of a nominating convention, or, in the case of nominations made by a direct primary election, the chairman and secretary of a county, city or district committee of any party which cast at least 2% of the total vote of the state at the last preceding general election.
- 2 Qualified voters to the number of
  - (a) for officers voted for by the voters of the entire state, 1000
  - (b) for officers voted for by the voters of a congressional or other district, 400
  - (c) for county officers and members of the general assembly, 100
  - (d) for any officer voted for by the voters of a precinct, ward or other division less than a county, 20

(R. S. § 4012; Acts 1892 ch.65 art.3 § 8, 1900 ex. sess. ch.3 § 1.)

*Filed with the secretary of state or a county clerk (R. S. § 4012).*

On *canvass* by the county board of election commissioners of the returns of a non-partisan *direct primary election* for the nomination of city officers in any city of the second class which has adopted the commission form of government (Laws 1910 ch.50 § 6-7).

#### Form of ballot

- 1 *Official*; prepared and distributed at public expense by the county clerks of the several counties (R. S. § 4009, 4011-12, 4023; Acts 1892 ch.65 art.3 § 1, 7-8, 20, 1900 ex. sess. ch.3 § 1, 9); obtainable by the voters only from the election officers, at the polls, on election day (R. S. § 3422, 4030, 4035; Acts 1892 ch.65 art.13 § 4, art.3 § 26, 31).
- 2 *Blanket* (R. S. § 4019; Acts 1892 ch.65 art.3 § 15, 1900 ex. sess. ch.3 § 4).
- 3 *Party column*; emblems; columns arranged in such order as the secretary of state may direct, precedence, however, being given to the party which polled the highest number of votes for the head of its ticket at the last preceding general election (R. S. § 4019).
- 4 Special circles for voting a straight party ticket (R. S. § 4019).
- 5 Blank spaces for writing in names under the names of the several candidates (R.S. § 4019).
- 6 No general provision that the name of each candidate is to appear but once on the ballot; but if a candidate is nominated for any office by convention and also for the same office by petition, his name shall be placed on the ballot but once. He may choose in which column his name shall be placed, but if he fails to do so it is to be placed in the column of the party which nominated him by convention. (R. S. § 4013; Acts 1892 ch.65 art.3 § 9).
- 7 Double-stub system; main stubs, which remain in stub-book, are numbered consecutively and before each voter receives his ballot his name and address are filed in on this main stub, and his registered number (or, where the registration law is not in force, his full name) is written on the secondary slip, which remains attached to the ballot. The election officer also writes his name across the back of the ballot. The secondary stub is detached before the ballot is deposited, after the number on it has been compared with the registry-list. (R. S. § 4019-20, 4030-31; Acts 1892 ch.65 art.3 § 15, 16, 26-27).

- 8: On the back, or outside, of each ballot are printed the words "official ballot," followed by the date of the election, and a facsimile of the signature of the clerk who caused the ballots to be printed (R. S. § 4019).
- 9 No provision for separate ballots for any local or other officers voted for at general elections, except that, in cities of the fifth and sixth classes, where the corporate limits include portions of two or more counties, separate ballots for city officers and questions are to be furnished by the clerk of each such county (R. S. § 4071; Acts 1894, ch.65). In cities of the first and second classes which have adopted the commission form of government, the ballots for municipal elections are to be of the "office group" form without party designations of any sort, and are to contain only the names of the two candidates for each office who received the largest number of votes at a non-partisan direct primary election (Laws 1910 ch.50 § 6-7). Constitutional amendments and other questions printed on the general ballot, the substance of each being clearly indicated (R. S. § 4018; Acts 1892 ch.65 art.3 § 14, 1897 ch.15).
- 10 Sample ballots, printed on paper of different color from that of official ballots, to be posted, three in each polling place (R. S. § 4024; Acts 1892 ch.65 art.3 § 21).

#### **Rules for marking**

To vote a straight party ticket, the voter is to place a cross mark in his party circle, or cross marks in the voting squares opposite the names of all the candidates of his party. To vote a split ticket, he is to place a cross mark opposite the name of each candidate of any party for whom he wishes to vote, or he may place a cross mark in one of the party circles and other marks in the voting squares opposite the names of candidates of other parties. He may also write in the blank spaces the names of any persons whose names are not printed on the ballot, and vote for them by putting cross marks opposite their names. To vote on a question submitted, he is to make a cross mark in the square opposite the answer which he desires to give. (R. S. § 4019, 4030; Acts 1892 ch.65 art.3 § 26, ch.102).

#### **LOUISIANA**

##### **Constitutional provisions**

"In all elections by the people the electors shall vote by ballot, and the ballots cast shall be publicly counted" (Const. 1898 art.203):

"All elections by the people, except primary elections and municipal elections in towns having a population of less than twenty-five hundred, when such elections are not held at the same time as general state elections, shall be by official ballot, printed and distributed at the expense of the state; and, until otherwise provided by law, such ballots shall have printed thereon, and at the head and immediately preceding the list of names of the candidates of each political party or nominating paper, a specific and separate device by which the political party and the candidates of such political party or nominating paper may be indicated. By stamping such device at the head of the list of candidates of each political party, or nominating paper, the voter may indicate that his vote is for the entire or straight ticket of the particular party or nominating paper employing the particular device allotted to such political party or nominating paper. When the voter does not desire to vote an entire or straight party ticket, he may vote for candidates of any political party or nominating paper, by stamping a blank space to the left opposite the name of each candidate on said official ballot.

"The general assembly shall provide some plan by which the voters may prepare their ballots in secrecy at the polls. This article shall not be construed so as to prevent the names of independent candidates from being printed on the ballots with a device; and the names of candidates may be written on the ballot. These provisions shall not apply to elections for the imposition of special taxes, for which the general assembly shall provide special laws." (Const. 1898 art.212).

**Procedure by which names of candidates are placed on the ballot**

- 1 On *canvass of direct primary elections* of parties which polled at least 10% of the entire vote cast for governor at the last preceding state election, and the filing of the returns with the secretary of state or the clerks of court of the several parishes (Wolff's R. L. vol. 3 p.260-61; Acts 1906 no.49 § 23 as amended by 1907 ex. sess. no.27).
- 2 (In the case of parties to which the direct primary law does not apply) by *certificate of nomination*, signed by the presiding officer and secretary of "any convention of delegates who have been selected in caucus called and held in accordance with the provisions of this act," or of any caucus so called and held in any electoral district or division of the

state (R. L. vol. I p.704; Acts 1898 no.152 § 49 as amended by 1900 no.132 p.200).

- 3 By *nomination papers* signed by qualified voters of the district or division for which the nomination is made to the number of
  - (a) for any office to be voted for by the voters of the state at large, 1000
  - (b) for any parish or municipal officer, member of the legislature or member of Congress, 100
  - (c) for any ward officer, 25
 (R. L. vol. I p.704; Acts 1898 no.152 § 50).

Certificates of nomination (2) and nomination papers (3) *filed with* the secretary of state (R. L. vol. I p.705; Acts 1898 no.152 § 54 as amended by 1900 no.132 p.201).

#### Form of ballot

- 1 *Official*; printed and distributed by the secretary of state at public expense (R. L. vol. I p.688, 709, 711-12; Acts 1898 no.152 § 1, 65, 70, 71 [amended by 1900 no.132 p.202]); obtainable by the voters only from the election officers, at the polls on election day (R. L. vol. I p.713, 715; Acts 1898 no.152 § 74, 76).
- 2 *Blanket* (R. L. vol. I p.709; Acts 1898 no.152 § 65).
- 3 *Party column*, emblems; nothing as to the order of the columns (same reference).
- 4 Special circles, inclosing party emblems, for voting straight party ticket (R. L. vol. I p.709-10; Acts 1898 no.152 § 65-66).
- 5 Blank column at the right of the ballot for writing in names (R. L. vol. I p.714; Acts 1898 no.152 § 75. Cf. ballots themselves).
- 6 "The name of no candidate shall appear on the official ballot in more than one place." No further provision. (R. L. vol. I p.706; Acts 1898 no.152 § 56 as amended by 1900 no.132 p.201).
- 7 No provision for detachable stubs, or for any system for numbering the ballots. The only provision is that a check mark shall be placed opposite each voter's name on the registration-list, and that his name shall be entered on a poll-list and numbered in the order of voting as he casts his ballot. (R. L. vol. I p.713-14; Acts 1898 no.152 § 74-75).
- 8 On the back, or outside, of the ballot are printed the words "official ballot," followed by the designation of the polling

place and of the election for which the ballot is prepared, the date of the election, and a facsimile of the signature of the secretary of state (R. L. vol. I p.710; Acts 1898 no.152 § 66).

9 No provision for separate ballots for any local or other officers voted for at general elections. Constitutional amendments and other questions are printed on the general ballot below the lists of candidates, by short title and reference. (R. L. vol. I p.709; Acts 1898 no.152 § 65).

10 Three sample ballots to be posted in each polling place. No provision as to their color, etc. (R. L. vol. I p.711; Acts 1898 no.152 § 69 as amended by 1900 no.132 p.202).

#### **Rules for marking**

To vote a straight ticket, the voter is to stamp the circle containing the device at the head of the party column. To vote a split ticket, he is to stamp the voting squares opposite the names of the individual candidates for whom he wishes to vote; or he may write the names of any persons "other than nominees of political parties" in the spaces "provided for such purpose, with a pencil having black lead, and obliterate with the official stamp the white square in the voting space at the right of the name so written." To vote on a constitutional amendment, he is to stamp the voting square opposite the answer which he desires to give. (R. L. vol. I p.709, 714; Acts 1898 no.152 § 65, 75).

#### **MAINE**

##### **Constitutional provisions**

" . . . the elections [of governor, senators and representatives] shall be by written ballot" (Const. 1819 art.2 § 1).

"Upon one side of every ballot shall be printed or written the name of the county, and also of the city, town or plantation of this state, in which is the residence of the person proposing to vote. Upon the other side shall be the name or names of the person to be voted for, and the office or offices which he or they are intended to fill. . . They [the supervisors of elections] shall keep correct poll-lists of the names of all persons allowed to vote. . . They shall check the name of every person before he is allowed to vote, and the check mark shall be plainly made against his name on the poll-lists. . . The legislature of this state may pass any law additional to the foregoing provisions, if

any shall, in practice, be found necessary in order more fully to carry into effect the purpose thereof." Const. 1819 art.2 § 4).

"And the votes [for judges and registers of probate, sheriffs, and all county officers] shall be given at the same time and in the same manner, and the names of the several candidates shall be printed or written on the same ballots with those for governor, senators and representatives, as provided in section four, article second of this constitution" (Const. 1819 art.9 § 12 as amended March 24, 1864, Amendment 10).

#### **Procedure by which names of candidates are placed on the ballot**

- 1 By *certificate of nomination* signed by the presiding officer and the secretary of a nominating convention or caucus of any political party which polled 1% of the entire vote for governor in the district or division for which the nomination is made.
- 2 By *nomination papers* signed by qualified voters to the number of
  - (a) for a state office, filled by the voters of the state at large, 1000
  - (b) for an officer of any electoral district or division, or for any municipal or ward officer, 1% of the total vote cast for governor, in the electoral district or division for which the nomination is made, at the last preceding election, but in no case less than 25 (R. S. ch.6 § 3-4; Pub. Laws 1891 ch.102 § 3-4).

*Filed with* the secretary of state, or with the clerk of a city (R. S. ch.6 § 6; Pub. Laws 1891 ch.102 § 6 as amended by 1893 ch.267, 1901 ch.138, 1903 ch.169).

#### **Form of ballot**

- 1 *Official*; printed and distributed by the secretary of state and the several city clerks at public expense (R. S. ch.6 § 1, 16, 18; Pub. Laws 1891 ch.102 § 1, 16, 18 [as amended by 1893 ch.267]); obtainable by the voters only at the polling places, on election day, and from the election officers (R. S. ch.6 § 23, 27; Pub. Laws 1891 ch.102 § 23 (as amended by 1893 ch.267) and § 27).
- 2 *Blanket* (R. S. ch.6 § 10; Pub. Laws ch.102 § 10 as amended by 1893 ch.267).
- 3 *Party column*; no emblems. No provision as to the order of the several columns. (R. S. ch.6 § 10).
- 4 Special squares for voting a straight party ticket (R. S. ch.6

§ 10, 24; Pub. Laws 1891 ch.102 § 10, 24, as amended by 1893 ch.267).

- 5 Blank spaces after the names of the several candidates for writing in names (R. S. ch.6 § 10).
- 6 No limitation as to the number of times a candidate's name may appear on the ballot.
- 7 No provision for detachable stubs, or for any system of numbering the ballots. The name of each voter is merely checked off on the poll-list as he receives his ballot. (R. S. ch.6 § 23; Pub. Laws 1891 ch.102 § 23 as amended by 1893 ch.267).
- 8 On the back, or outside, of the ballot are printed the words "official ballot. . ." followed by the designation of the polling place for which the ballot is prepared, the date of the election, and a facsimile of the signature of the officer who caused the ballots to be printed (R. S. ch.6 § 10).
- 9 Presidential elections held alone; only one ballot for all state and county officers, and for congressmen, at general state elections held in October; city and town elections usually held in March, and Australian ballot law does not apply to the latter (R. S. ch.6 § 1, 10; letter from sec. of state). Constitutional and other questions submitted printed on the general state ballot below the list of candidates, by short descriptive titles prescribed by the legislature (R. S. ch.6 § 10).
- 10 "Specimen ballots," similar to the official ballots but on tinted paper and without the facsimile indorsement on the back, to be prepared, and ten or more to be furnished to each polling place (R. S. ch.6 § 13; Pub. Laws 1891 ch.102 § 13).

#### Rules for marking

To vote a straight party ticket, the voter is to place a cross mark in the party square at the head of the party column. To vote a split ticket, he is to place a cross mark in one of the party squares and erase the names of any candidates of such party for whom he does not wish to vote, substituting other names, if he wishes, either in writing, in the blank spaces below the names of the party candidates, or by means of "stickers" pasted over such names. There are no restrictions as to the form of these "stickers," or as to where they may be obtained. There are no voting squares opposite the names of the individual candidates. To vote on a constitutional amendment or other question, the voter is to place a cross mark in the margin opposite the answer which he wishes to give. (R. S. ch.6 § 24; Pub. Laws 1891 ch.102 § 24 as amended by 1893 ch.267).

## MARYLAND

## Constitutional provisions

"All elections shall be by ballot" (Const. 1867 art. I § 1).

**Procedure by which names of candidates are placed on the ballot**

By *certificate of nomination* signed by

- 1 The presiding officer and secretary of a nominating convention representing any political party or principle "whose highest candidate at any election held within two years next preceding the holding of such convention polled more than 1% and less than 10% of the entire vote cast in the state, county or other division or district for which the nomination is made."
- 2 (In the case of candidates of a political party, as above defined, nominated by direct primary election), "by the person or persons whose duty it may be by party usage to declare the result of such election."
- 3 (In the case of candidates nominated by a nominating convention or direct primary election of any party which polled at the last preceding general election at least 10% of the entire vote cast in the state) by the officers of such convention or the boards of canvassers of such primary election in the manner prescribed for the filing of the statements of canvass of general elections.
- 4 Voters of the district for which the nomination is made to the number of
  - (a) for an office filled by the voters of the entire state, 500
  - (b) for an office, filled by the voters of any congressional district, or by the voters at large in the cities of Baltimore, Annapolis, Frederick, Cumberland or Hagerstown, 300
  - (c) for any other office, 200

(Code art. 33 § 40-42; Acts 1896 ch. 202 § 36-38, 1901 ch. 2, 1910 p. 112, 113).

*Filed with the secretary of state or the boards of supervisors of elections of the several counties or of the city of Baltimore (Code art. 33 § 43; Acts 1896 ch. 202 § 39).*

## Form of ballot

- 1 *Official*; printed and distributed by the boards of supervisors of elections, at public expense (Code art. 33 § 52-53, 58-59; Acts 1896 ch. 202 § 48-49, 53-54, as amended by 1901 ch. 2); obtainable by the voters only at the polling places, on elec-

tion day and from the election officers (Code art.33 § 53, 66; Acts 1896 ch.202 § 49 (as amended by 1901 ch.2) and § 61).

2 *Blanket* (Code art.33 § 54-55; Acts 1896 ch.202 § 50, as amended by 1901 ch.2, 1902 ch.133, 1904 ch.339, 1906 ch.498, 1908 p.103).

3 *Office group*; in twelve counties and in the city of Baltimore • the names of the candidates are arranged in alphabetical order under the title of each office, each candidate's name being followed by the designation of the party, or parties, which nominated him. In the remaining eleven counties there is no provision as to the arrangement of the candidates' names under each office, and no party designations of any sort are allowed to appear on the ballot. (Code art.33 § 54-55, as amended).

4 No special provision for voting a straight party ticket.

5 No express provision for blank spaces for writing in names, but such spaces actually appear on the ballot under the several office groups.

6 If a candidate is nominated for the same office by two or more parties, his name is to be printed on the ballot but once, followed, in the twelve counties, and Baltimore city, where party designations are used, by the designations of all the parties so nominating him (Code art.33 § 54-55, as amended).

7 Each ballot is provided with a detachable stub at the upper right-hand corner. One of the judges, before delivering a ballot to a voter, fills in on the stub the name of the voter, and his number in the order of voting, and also writes his own name or initials in ink on the back of the ballot. The voter's name is also entered in the poll-books. When the voter returns his ballot the judges examine the stub to see whether it is the same ballot that was given to him, before depositing it. (Code art.33 § 57, 66; Acts 1896 ch.202 § 52, 61, as amended by 1901 ch.2, 1902 ch.133, 1908 p.99).

8 On the back, or outside, of the ballot are printed the words "Official ballot for," followed by the designation of the polling place for which the ballot is prepared, the date of the election, and the facsimile of the signature of the president of the board of supervisors of elections by which the ballots were prepared (Code art.33 § 57, as amended).

9 No separate ballots for local or other officers voted for at general elections. Constitutional amendments and other questions submitted are printed on the general ballot by fairly full

descriptive titles prescribed by the general assembly. (Code art.33 § 54-55; also § 53 and § 56; Acts 1901 ch.2; Const. 1867 art.14 § 1).

10 In the twelve counties, and Baltimore city, where party designations are placed on the ballot "specimen ballots," considerably larger than the official ballots and printed on heavy paper or cardboard, are provided for, and ten or more of them are to be posted up in each polling place. In the other eleven counties no "specimen ballots" are provided for, but lists of the candidates of each party are to be posted up. (Code art.33 § 121-22; Acts 1896 ch.202 § 114A, as amended by 1901 ch.2, 1904 ch.339, 1908 p.99).

#### **Rules for marking**

Only one method of marking is provided for. Whether the voter wishes to vote a straight ticket or a split ticket, he is to place a cross mark in the voting square opposite the name of each candidate for whom he wishes to vote, or to write in, in one of the blank spaces provided for the purpose, the name of any person whose name is not printed on the ballot, and place a cross mark in the voting square opposite thereto. In voting on a constitutional amendment or other question the voter is to place a cross mark in the voting square opposite the answer which he desires to give. (Code art.33 § 66; Acts 1896 ch.202 § 61 as amended by 1901 ch.2). In the twelve counties, and Baltimore city, in which party designations appear on the ballots, all the candidates for presidential electors of any one party may be voted for by a single cross mark in the voting square opposite the names of the candidates for president and vice-president (Code art.33 § 54, as amended).

"Any voter may take with him into the polling place any written or printed memorandum or paper to assist him in marking or preparing his ballot, except a facsimile of the ballot to be voted" (Code art.33 § 53; Acts 1896 ch.202 § 49 as amended by 1901 ch.2).

#### **MASSACHUSETTS Constitutional provisions**

" . . . there shall be a meeting . . . of the inhabitants of each town in the several counties of this commonwealth . . . for the purpose of electing persons to be senators and councillors . . . The selectmen of the several towns shall preside at such meetings impartially; and shall receive the votes of all the inhabi-

ants of such towns present qualified to vote for senators, and shall sort and count them in open town meeting . . . Those persons who shall be qualified to vote for senators and representatives within the several towns of this commonwealth shall, at a meeting to be called for that purpose . . . give in their votes for a governor, to the selectmen, who shall preside at such meeting; and the town clerk, in the presence and with the assistance of the selectmen, shall, in open town meeting sort and count the votes . . ." (Const. 1780 ch.1 § II art.2; ch.2 § I art.3. These same provisions apply to the election of lieutenant-governor, councillors and state officers (Const. 1780 ch.2 § 2 art.1; Amendments arts. 16, 17). The regulation of elections of local officers is left to the legislature (Const. 1780 Amendments art.19).

#### **Procedure by which names of candidates are placed on the ballot**

- 1 By *certificate of nomination*, signed by the presiding officer and secretary of a nominating convention, caucus or direct primary of any party which, at the five preceding annual elections, polled, in the district for which the nomination is made, a number of votes for governor equal to the number of voters required to nominate by nomination papers a candidate for the office in question (Acts 1907 ch.560 § 165, 167, 171; R. L. ch.11 § 136, 139, 142; Acts 1903 ch.454).
- 2 By *nomination papers*, signed by voters to the number of
  - (a) for an office to be filled by voters of the entire commonwealth, 1000
  - (b) for any other office to be filled at a state election, and for all offices to be filled at any city election,  $2\%$  of the total number of votes for governor at the preceding election in the district for which the nomination is made, but in no case less than 50, or over 1000 voters
  - (c) for a town office,  $2\%$  of the total vote for governor in the town at the last preceding election, but in no case less than 20 voters.

(Acts 1907 ch.560 § 172; R. L. ch.11 § 143; Acts 1906 ch.444 § 4, 1907 ch.429 § 6).

*Filed with the secretary of the commonwealth, the city and town clerks, and, in Boston, the election commissioners (Acts 1907 ch.560 § 176; R. L. ch.11 § 147).*

#### **Form of ballot**

- 1 *Official*; printed and distributed by the secretary of the commonwealth, the town and city clerks, or the election commis-

sioners of the city of Boston, at public expense (Acts 1907 ch.560 § 229, 242-43; R. L. ch.11 § 8, 195, 208-9, 214; Acts 1907 ch.429 § 10); obtainable only at the polling places, on election day, from the election officers (Acts 1907 ch.560 § 259, 266, 439; R. L. ch.11 § 225, 233, 405; Acts 1903 ch.474 § 10, 1906 ch.444 § 8).

- 2 *Blanket* (Acts 1907 ch.560 § 230; R. L. ch.11 § 196).
- 3 *Office group*; the names of the candidates are arranged in alphabetical order, according to surnames, under the title of each office, the candidates for the same office but for different terms, however, being grouped according to the length of their respective terms. Each candidate's name is followed by his party designation. (Acts 1907 ch.560 § 231; R. L. ch.11 § 8, 197; Acts 1907 ch.429 § 8).  
1906 ch.444 § 8.
- 4 No special provision for voting a straight party ticket.
- 5 Blank spaces after each office group for writing in names, as many as there are persons to be elected to the office (Acts 1907 ch.560 § 231).
- 6 No candidate's name is to appear more than once on the ballot, but each candidate's name is to be followed by the designations of all the parties or groups which have nominated him for the office in question. A candidate may choose in what order these designations are to follow his name; if he fails to do so, the officer charged with printing the ballots is to decide. (Acts 1907 ch.560 § 230).
- 7 No provision for detachable stubs, nor for any system of numbering the ballots. Each voter's name is merely checked off on the voting-list as he receives his ballot and again as he deposits it in the ballot-box. (Acts 1907 ch. 560 § 259, 266).
- 8 On the back, or outside, of the ballot are printed the words "official ballot for," followed by the voting precinct or town for which the ballot is prepared, the date of the election, and a facsimile of the signature of the officer who caused the ballots to be prepared (Acts 1907 ch.560 § 231).
- 9 No separate ballots for any local or other officers voted for at general elections, except in the case of members of school committees, for whom women are entitled to vote. For them separate ballots are printed on colored paper and with a special indorsement on the back. There are also "partial ballots," for voters entitled to vote only for certain officers, with a special indorsement on the back. Town and city elections held separately. Constitutional amendments and other ques-

tions printed on the general ballot after the lists of candidates, by brief descriptive questions in such form as the legislature may prescribe. (Acts 1907 ch.560 § 231; also § 234; R. L. ch.11 § 200).

- 10 Ten or more "specimen ballots," printed on colored paper and without the official indorsement on the back, to be provided and posted in each polling place (Acts 1907 ch.560 § 237, 248; R. L. ch.11 § 8, 203, 214; Acts 1907 ch.429 § 11).

#### **Rules for marking**

Only one method provided for marking the ballot. Whether the voter wishes to vote a straight ticket or a split ticket, he is to make a cross mark in the voting square opposite the name of each candidate for whom he wishes to vote, or to write in one of the blank spaces provided for the purpose, the name of any person whose name is not printed on the ballot, making a cross mark in the appropriate voting square. In voting on a constitutional amendment or other question, the voter is to place a cross mark in the voting square opposite the answer which he desires to give. All the candidates for presidential electors of any one party, however, may be voted for by a single cross mark in the voting square opposite the names of the candidates for president and vice-president. (Acts 1907 ch.560 § 260-61; R. L. ch.11 § 227-28).

### MICHIGAN

#### **Constitutional provisions**

"All votes shall be given by ballot, except for such township officers as may be authorized by law to be otherwise chosen" (Const. 1908 art.3 § 7).

"Proposed amendments [i. e. to the constitution] shall also be printed in full on a ballot or ballots separate from the ballot containing the names of nominees for public office" (Const. 1908 art.17 § 3).

#### **Procedure by which names of candidates are placed on the ballot**

- 1 On *canvass* of the returns of a *direct primary election* of any political party by the regular boards of canvassers, and certification of the results (Pub. Acts 1909 no.281 § 37-38, 41-44).
- 2 (In the case of those offices to which the direct primary law of 1909 does not apply) by *certificate of nomination* signed by the chairman and secretary of the state, district or county committee of any political party in regard to the candidates nominated at any regular nominating convention of such party

(C. L. § 3621; Pub. Acts 1891 no.190 § 10, 1895 no.17, 271, 1905 no.25). *Filed with* the boards of election commissioners of the several counties, townships, cities and villages (C. L. § 3620-21, 3659; Pub. Acts 1891 no.194, 190 § 9-10 as amended by 1895 no.17 and 271, 1905 no.25, 1907 no.189).

- 3 No provision for independent, non-partisan nominations by petition.

#### Form of ballot

- 1 *Official*; printed and distributed by the boards of election commissioners of the several counties, townships, cities and villages, at public expense (C. L. § 3625, 3629-30; Pub. Acts 1891 no.190 § 14 (as amended by 1893 no.202, 1895 no.271, 1897 no. 266 and 1901 no.214), § 19 (as amended by 1895 no.271) and § 20); obtainable by the voters only at the polling places, on election day and from the election officers (C. L. § 3632, 3640; Pub. Acts 1891 no.190 § 22 (as amended by 1901 no.214 and 1905 no.55) and § 30).
- 2 *Blanket* (C. L. § 3625; Pub. Acts 1891 no.190 § 14 as amended by 1893 no.202, 1895 no.271, 1897 no.266, and 1901 no.214).
- 3 *Party column*; emblems; the columns are arranged from left to right according to the size of the vote cast by the respective parties at the last preceding election (C. L. § 3625).
- 4 Special circles (or squares) for voting a straight party ticket (C. L. § 3625).
- 5 Blank spaces for writing in names are referred to, but are not expressly provided for (C. L. § 3625). The ballot itself shows a small blank space under the name of each candidate.
- 6 No candidate's name to appear on the ballot in more than one column (except for the office of circuit judge in the tenth judicial circuit); the candidate may choose in which column his name shall appear, but if he fails to do so, his name is to be placed in the column belonging to the party which first filed a certificate of his nomination (C. L. § 3621).
- 7 Each ballot provided with a detachable stub or corner. The stubs are numbered on the back consecutively for each polling place. As each voter receives his ballot, his name and the number on the stub of the ballot, are entered on the poll-list, one of the inspectors having previously written his initials in ink on the back of the ballot directly below the perforated line, "in his ordinary handwriting, and without any distinguishing mark of any kind." When the voter returns his ballot after marking it, his name and the number on the stub are

called out and compared with those on the poll-list. If they correspond, the stub is torn off and the ballot deposited in the ballot-box. (C. L. § 3625, 3632, 3636; Pub. Acts 1891 no.190 § 26 (as amended by 1893 no.202, 1897 no.59 and 1901 no.214), 1909 no.192).

8 No provision for any printed indorsement on the back or outside of the ballot.

9 No separate ballots for local or other officers voted for at general elections. Supreme court justices and regents of the state university voted for on the same ballot at city and township elections held in April. Village elections held separately in March. (C. L. § 3625, 179, 181, 2714). All constitutional amendments to be printed on a separate ballot, or ballots, in full (Const. art.17 § 3). In the case of other questions submitted, which are also printed on a separate ballot, their substance is "to be clearly indicated upon said ballot by a suitable designation in distinct and easily legible type . . ." (C. L. § 3657; Pub. Acts no.190 § 48 as amended by 1897 no.266).

10 Sample or "instruction ballots," printed on red, yellow or blue paper, with the words "instruction ballot" at the top, to be prepared and furnished to the chairmen of party committees, or to candidates, on application, for distribution among the voters (C. L. § 3627; Pub. Acts 1891 no.190 § 16 as amended by 1893 no.202).

#### Rules for marking

To vote a straight party ticket, the voter is to place a cross mark in one of the party circles. To vote a split ticket, he is also to place a cross mark in one of the party circles, and to place other cross marks in the voting squares opposite the names of the individual candidates of other parties for whom he wishes to vote. Where two or more persons are to be elected to any one office, he is to place cross marks opposite the names of the candidates of other parties for whom he wishes to vote, and to erase any equal number of names of candidates of his own party for such office. (In case he fails to erase the names of an equal number of his own party's candidates, he is to be presumed to have erased the names of the party candidates opposite the candidates of other parties whom he has voted for.) To vote for any person whose name is not printed on the ballot, he is to write the name in his party column under that of the party candidate for the same office. A split ticket may

also be voted by placing cross marks only opposite the names of the individual candidates without marking the party circle. Pasters may also be used, but no particular form is prescribed, nor any rules as to their use. To vote on a constitutional amendment or other question, the voter is to place a cross mark in the voting square opposite the answer which he desires to give. (C. L. § 3636; Pub. Acts 1891 no. 190 § 26 as amended by 1893 no. 202, 1897 no. 59 and 1901 no. 214).

#### MINNESOTA

##### **Constitutional provisions**

"All elections shall be by ballot except for such town officers as may be directed by law to be otherwise chosen" (Const. 1857 art. 7 § 6).

##### **Procedure by which names of candidates are placed on the ballot**

By *certificate of nomination*, signed by

- 1 State and county boards of canvassers of direct primary elections of political parties which have maintained in the district in question a party organization and presented candidates for election at three or more biennial elections within the ten years last preceding, or of which voters to the number of 10% of the party vote at the last preceding election have petitioned for a place on the primary ballot (R. L. ch. 6 § 182, 199-201; Laws 1899 ch. 349 § 2, 24-25, 1901 ch. 216 § 8-9).
- 2 The presiding officer and secretary of a nominating convention of a political party, which at the last election polled at least 1% of the entire vote in the district for which the nomination is made (R. L. ch. 6 § 211-12; Laws 1893 ch. 4 § 33-34).
- 3 Voters resident in the district to a number equivalent to
  - (a) for a state office, 1% of the entire vote at the last election, but not over 2000
  - (b) for a congressional or judicial district office, 5% of the entire vote at the last election, but not over 500
  - (c) for any other office, 10% of the entire vote at the last election, but not over 500
 (R. L. and Supp. ch. 6 § 213; Laws 1893 ch. 4 § 35, 1895 ch. 135, 1905 ch. 134).

Certificates of nomination under (2) and (3) *filed with the secretary of state, county auditor, city clerk, "or other proper officer"* (R. L. ch. 6 § 221; Laws 1893 ch. 4 § 44).

**Form of ballot**

- 1 *Official*; printed and distributed by the secretary of state, county auditors and city clerks at public expense (R. L. and Supp. ch.6 § 166-69; Laws 1893 ch.4 § 19-23, 1895 ch.275, 1897 ch.190, 1903 ch.251, 1905 ch.87, 214); obtainable by the voters only on election day, at the polling places and from the election officers (R. L. ch.6 § 266-67, 274; Laws 1893 ch.4 § 89, 90, 99).
- 2 *Blanket* (R. L. ch.6 § 165, 167-68; Laws 1893 ch.4 § 20-22, 1897 ch.190).
- 3 *Office group*; offices arranged in such order as the officers printing the ballot may direct; names of candidates arranged according to the size of the party vote at the last preceding election, those of the party receiving the largest number of votes being placed at the top, and so on. When more than two persons are to be elected to any one office the names of all candidates for such office are arranged in rotation, so that each name appears at the top on an equal number of ballots. (R. L. ch.6 § 171-73, 177, 180; Laws 1893 ch.4 § 25-26, 1901 ch.88 § 3).
- 4 No special method provided for voting a straight party ticket.
- 5 Blank spaces for writing in names below each office group, as many as there are persons to be elected to such office (R. L. ch.6 § 172; Laws 1893 ch.4 § 25).
- 6 No express provision that no candidate's name shall appear on the ballot more than once. Each candidate's name is to be followed by his party designation. (R. L. ch.6 § 172). "Nor shall any person be named on the official ballot as the candidate of more than one party, or of any party other than that whose certificate of his nomination was first properly filed" (R. L. ch.6 § 176; Laws 1901 ch.312, 1903 ch.232).
- 7 No provision for detachable stubs or for any system of numbering the ballots.<sup>1</sup> Two of the judges are to write their initials on each ballot before its delivery to a voter. (R. L. ch.6 § 266; Laws 1893 ch.4 § 89).
- 8 On the back, or outside, of the ballot are to be printed the words "official ballots," the date of the election, a facsimile of the signature of the officer who caused the ballots to be printed and lines for the initials of the judges (R. L. ch.6 § 178; Laws 1893 ch.4 § 27, 1901 ch.88 § 1).

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<sup>1</sup>An act of 1878 providing for the numbering of the ballots to correspond with the numbers of the voters on the poll-list was held to violate § 6 art.7 of the constitution (cf. division 1) 26 Minn. 107.

9 White ballots for state, red for city, and blue for all other officers. Pink ballots for constitutional amendments and all other questions to be voted on throughout the state. Municipal questions on lavender ballots. Law does not provide in what form amendments and questions are to be printed, but an examination of the ballots themselves shows that they are printed by fairly full descriptive titles, not in full. (R. L. ch.6 § 164-68.) Charters providing for the commission form of government in "home rule charter" cities may prescribe the form of ballot to be used at municipal elections (R. L. and Supp. ch.9 § 758 subd. 1, 2; Laws 1909 ch.170).

10 Sample ballots of a different color from any of the official ballots may be brought by the voters into the voting booths to assist them in marking their ballots, but there is no provision for the preparation or distribution of such sample ballots, or for the posting of them in the polling places by the election officers (R. L. ch.6 § 274; Laws 1893 ch.4 § 99).

#### Rules for marking

The voter, whether he wishes to vote a straight ticket or a split ticket, is to do so by placing a cross mark in the voting square opposite the name of each candidate for whom he wishes to vote, or by writing in the name of any person for whom he wishes to vote in one of the blank spaces provided for that purpose. To vote for all the presidential electors of any one party, however, all that is necessary is to place a cross mark in the special square opposite the name of the presidential candidate of the party. (R. L. ch.6 § 275; Laws 1893 ch.4 § 100 amended in the revision of the statutes in 1905).

In voting on constitutional amendments or other questions submitted, the voter is to place a cross mark opposite the answer which he desires to give (R. L. ch.6 § 166).

#### MISSISSIPPI

##### Constitutional provisions

"All elections by the people shall be by ballot" (Const. 1890 art.12 § 240).

##### Procedure by which names of candidates are placed on the ballot

I "Upon *written request* of one or more candidates" nominated "by the primary election of any political party," "or of any qualified elector who will make oath that he was a participant in the primary election, and that the person whose name is presented by him was nominated by such primary election."

2 By *petition* of qualified electors to the number of  
 (a) for any beat or municipal office in a town or village of  
     less than 300 inhabitants, 15  
 (b) for any other office, 50  
 (Code § 4159; Elec. Ord. 1890 § 2).

Such request or petition is to be *filed with* that one of the county commissioners who has been designated by the authority appointing such commissioners to have the official ballots for the county printed.

#### Form of ballot

1 *Official*; printed and distributed at public expense by one of the county election commissioners of each county designated by the authority appointing such commissioners, or by the authorities of each municipality (Code § 4157; Elec. Ord. 1890 § 1); obtainable by the voters only on election day, at the polling places and from the election officers (Code § 4155-56, 4167, 4170; Elec. Ord. 1890 § 7, 9, 11 and 15).

2 *Blanket* (Code § 4159; Elec. Ord. 1890 § 2).

3 *Office group*; (the law provides for the form of the ballot only by implication, but the ballots themselves are actually in the office group form, with no party designations of any sort). "The arrangement of the names of the candidates, and the order in which the titles of the various offices shall be printed . . . is left to the discretion of the officer charged with printing the official ballot; but the arrangement need not be uniform. It is the duty of the secretary of state, with the approval of the governor, to furnish the designated commissioner of each county a sample of the official ballot, the general form of which shall be followed as nearly as practicable." (Code § 4160, 4163, 4171; Elec. Ord. 1890 § 1, 4, 12).

4 No special method provided for voting a straight party ticket.

5 One blank space for writing in names under the title of each office to be voted for (Code § 4160; Elec. Ord. 1890 § 1).

6 No special provision that a candidate's name may appear only once on the ballot. No provision for party designations of any sort after the names of the candidates.

7 No provision for detachable stubs or for any system of numbering or initialing the ballots by the election officers.

8 On the back, or outside, of the ballot are to be printed the words "official ballot," the name of the election district and the date of the election (Code § 4164; Elec. Ord. 1890 § 4).

- 9 No provision for separate ballots for any local or other officers voted for at general elections. Constitutional amendments and other questions submitted are to be printed on the general ballot. The law does not prescribe in what form they are to be printed, but the secretary of state writes that they are printed in full. (Code § 4161; Elec. Ord. 1890 § 4. Letter from the sec. of state).
- 10 No provision for the printing, distribution or posting of sample ballots, except for the sample form of ballot which the secretary of state sends to the board of election commissioners of each county as a model (Code § 4163).

#### **Rules for marking**

The voter, whether he wishes to vote a straight ticket or a split ticket, is to do so by means of a cross mark opposite the name of each candidate for whom he wishes to vote, or by writing in the name of any person for whom he wishes to vote in one of the blank spaces provided for that purpose and placing a cross mark opposite thereto. No voting squares are provided opposite the names of candidates. In voting on constitutional amendments and other questions submitted, the voter is to place a cross mark opposite the answer which he desires to give. No special method is provided for voting for all the presidential electors of any one party by a single cross mark. (Code § 4171; Elec. Ord. 1890 § 12).

#### **MISSOURI**

##### **Constitutional provisions**

"All elections by the people shall be by ballot; every ballot voted shall be numbered in the order in which it shall be received, and the number recorded by the election officers on the list of voters, opposite the name of the voter who presents the ballot. The election officers shall be sworn or affirmed not to disclose how any voter shall have voted, unless required to do so as witnesses in a judicial proceeding: provided, that in all cases of contested elections the ballots cast may be counted, compared with the list of voters, and examined under such safeguards and regulations as may be prescribed by law." (Const. 1875 art.8 § 3).

##### **Procedure by which names of candidates are placed on the ballot**

- 1 On the *returns* of the several county boards of canvassers of *direct primary elections*, certified (in the case of state officers) by the county clerks to the secretary of state, and by

him, on the completion of the canvass, to the county clerks again (Laws 1909 p.481 § 22-25).

- 2 (In the case of city, town and village elections exempted from the operation of the direct primary law) by *certificate of nomination* signed by the presiding officer and secretary of a nominating convention (or the presiding officer and secretary of the party committee under whose direction a primary election is held) of any political party which at the last general election polled at least 3% of the entire vote in the district for which the nomination is made (R. S. § 7081-83; R. S. 1889 § 4760-62 as amended by Laws 1891 p.133 and 1893 p.153).
- 3 By *certificate of nomination* signed by electors resident in the district for which the nomination is made to a number equivalent to 1% of the entire vote cast in such district at the last election, provided that the number of signatures is not to be over 1000 nor less than 50 (R. S. § 7084; R. S. 1889 § 4763 as amended in revision of 1899).

Certificates of nomination (2 and 3) *filed with* the secretary of state or the county clerks of the several counties (R. S. § 7080; R. S. 1889 § 4759), and in St Louis and Kansas City with the respective boards of election commissioners (R. S. § 7117; R. S. 1889 § 4793).

#### Form of ballot

- 1 *Official*; printed and distributed at public expense by the county clerks of the several counties and by the boards of election commissioners of St Louis and Kansas City (R. S. § 7095, 7099, 7117; R. S. 1889 § 4772, 4776, 4793, as amended by Laws 1891 p.133 and 1893 p.152). Obtainable by the voters only on election day, at the polling places and from the election officers (R. S. § 7104, 7109; R. S. 1889 § 4780, 4785, as amended by Laws 1891 p.133 and 1897 p.107).
- 2 A *separate ballot for each party* containing only the names of the candidates nominated by such party. These ballots are fastened together in bunches, each bunch containing one ballot of each party. All the ballots are exactly similar on the back. Each bunch of ballots is practically the same as a party column blanket ballot, except that the columns are on top of one another instead of side by side. (R. S. § 7096; R. S. 1889 § 4773 as amended by Laws 1891 p.133 and 1897 p.107).

- 3 (Separate ballot for each party).
- 4 Cf. rules for marking in division 4.
- 5 A blank space for writing in a name is provided under the name of each candidate on each party ballot (R. S. § 7096).
- 6 No limitation as to the number of different party ballots on which a candidate's name may appear.
- 7 No provision for detachable stubs. The two judges in charge of the ballots must write on the back of each ballot, before its delivery to a voter, their names or initials, and the number of the ballot in the order in which the ballots are deposited (cf. Const. art. 8 § 3). No other writing is to be placed on the back of the ballot (R. S. § 7109, 7104).
- 8 No provision for any printed indorsement on the back or outside of the ballot.
- 9 No provision for separate ballots for any local or other officers voted for at general elections. All constitutional amendments and other questions submitted are to be printed on a separate ballot. They are to be printed in full, except in the case of measures proposed by initiative petition or referendum, which are to be printed by a number and ballot title prescribed by the secretary of state. (R. S. § 7097, 7121-23, as amended by Laws 1909 p.492, 554 § 6).
- 10 No provision for the preparation, distribution or posting of sample ballots.

#### Rules for marking

Each voter receives, on entering the polling place, a bunch of ballots, stapled together at the top, containing one ballot of each party. He is to take this to one of the voting booths and, if he wishes to vote a straight party ticket, is to tear off the ballot of the party for which he wishes to vote, fold it, fold all the other ballots in the same way and return them all to the election officers who deposit the detached ballot in the ballot-box and the unused ballots in another box, after first numbering the voted ballot on the back and counting the unused ballots to see that none are missing. If the voter wishes to vote a split ticket, he may erase any of the names on the detached ballot and write in others in the blank spaces below the names of the several candidates. (R. S. § 7105; R. S. 1889 § 4781 as amended by Laws 1891 p.133, 1893 p.153 and 1897 p.107).

MONTANA  
Constitutional provisions

"All elections by the people shall be by ballot" (Const. 1889 art. 9 § 1).

**Procedure by which names of candidates are placed on the ballot**

By *certificate of nomination*, signed by

- 1 The presiding officer and secretary of a nominating convention or primary meeting representing a political party or principle (Code § 521-22; Laws 1889 p.135 § 2-3).
- 2 Electors' resident in the district for which the nomination is made, to the number of at least 5% of the total vote for the same office at the last preceding election (Code § 524; Laws 1889 p.135 § 5 as amended by P. C. 1895 § 1313).

Candidates for judicial offices are to be nominated only by *petition* (independent nomination papers), and the names of candidates for such offices who have been otherwise nominated are not to be printed on the official ballot (Laws 1909 ch.113).

*Filed with* the secretary of state, a county clerk or the clerk of a municipal corporation (Code § 523; Laws 1889 p.135 § 4).

**Form of ballot**

- 1 *Official*; printed and distributed at public expense by county or city clerk (Code § 541-42, 547; Laws 1889 p.135 § 1, 15, 20); obtainable by the voters only on election day, at the polling places and from the election officers (Code § 542, 549, 551; Laws 1889 p.135 § 15, 23, 34; P. C. 1895 § 1358; Laws 1901 p.118, 1907 ch.88 § 4).
- 2 *Blanket* (Code § 545; Laws 1889 p.135 § 17; P. C. 1895 § 1354; Laws 1901 p.117, 1907 ch.88 § 2).
- 3 *Party column*; no emblems; order of columns left to the officer printing the ballots (Code § 545).
- 4 No special method provided for voting a straight party ticket.
- 5 A blank space, or spaces, below the name of each candidate for writing in names; as many spaces as there are candidates to be elected to the office (Code § 545).
- 6 No candidate's name may appear in more than one place on the ballot. A candidate nominated by two or more parties may choose in which party column his name shall appear; but if he fails to do so the officer printing the ballots is to place it in the column of the party which first nominated him. (Code § 545).

- 7 Each ballot provided with a detachable stub. In each precinct these stubs are consecutively numbered, the numbers being printed or stamped on them before their delivery to the voters. As each ballot is delivered to a voter, its number is entered on the poll-list opposite his name. The stub with the number on it is then torn off when the ballot is returned, and the ballot is deposited in one box and the stub in another. (Code § 542; also § 551-52; Laws 1889 p.135 § 23-24; P. C. 1895 § 1361; Laws 1901 p.119, 1907 ch.88 § 4-5).
- 8 No provision for any printed indorsement on the back or outside of the ballot, but the judges are to stamp on the back of each ballot, before its delivery to a voter, the words "official ballots," the name or number of the election precinct, the name of the county, the date of the election and the name and official designation of the clerk furnishing the ballots (Code § 547, 551; Laws 1889 p.135 § 20, 23).
- 9 No provision for separate ballots for any local or other officers voted for at general elections. All constitutional amendments are to be printed on a separate ballot. The form in which they are to be printed is not prescribed by law, but examination of the ballots themselves shows that the amendments are printed by short descriptive titles. Questions submitted by initiative or referendum, and questions as to county bond issues are to be printed on still other ballots. (Code § 110-11 [Laws 1907 ch.62 § 5-6], § 545, 552, 2938 [Laws 1901 p.13 § 1]).
- 10 Sample ballots without the official stamp, to be posted in the polling places on election day, one in each voting booth and three elsewhere (Code § 513; P. C. 1895 § 1273).

#### **Rules for marking**

The voter, whether he wishes to vote a straight party ticket or a split ticket, is to do so by placing a cross mark in the square before the name of each candidate for whom he wishes to vote. In the case of a constitutional amendment or other question the voter is to place a cross mark in the square before the answer which he wishes to give. "The elector may write in the blank spaces, or paste over any other name, the name of any person for whom he wishes to vote, and vote for such person by marking an 'X' before such name." The voter may take with him into the voting booth, to assist him in marking his ballot, any printed or written memorandum other than an unofficial sample ballot. (Code § 542, 552).

NEBRASKA  
Constitutional provisions

"All votes shall be by ballot" (Const. 1875 art.7 § 6).

**Procedure by which names of candidates are placed on the ballot**

By *certificate of nomination*, signed by

- 1 The state, county or city boards of canvassers of a direct primary election (or the party committee for the district in the case of a vacancy occurring after the primary) (C. S. 3326x-y-z, 3327; Laws 1907 ch.52 § 23-26).
- 2 (In the case of offices exempted from the operation of the direct primary law of 1907) the presiding officer and secretary of a nominating convention or committee of a political party (C. S. 3327m; Laws 1907 ch.52 § 39).
- 3 Electors, resident in the district for which the nomination is made to the number of
  - (a) for an office to be filled by the voters of the entire state, not less than 1000
  - (b) for an office to be filled by the voters of a city, county or other division less than the state, not less than 200
  - (c) for any office to be filled by the voters of a township, precinct, or ward, not less than 50

(But for a county, city, township, precinct or ward office the number of signatures need not include more than one quarter of the total number of voters.) (C. S. § 3326c; Laws 1897 ch.31 § 5, 1899 ch.26 § 130, 1907 ch.52 § 6).

*Filed with the secretary of state, a county clerk or a municipal clerk (C. S. § 3326c, 3327m).*

**Form of ballot**

- 1 *Official*; printed and distributed at public expense by county or municipal clerks (C. S. § 3373-74, 3378; Laws 1907 ch.31 § 1, 14, 18); obtainable by the voters only on election day, at the polling places and from the election officers (C. S. § 3374, 3380, 3384, 3386, 3390; Laws 1897 ch.31 § 14, 20, 24, 26, 30).
- 2 *Blanket* (C. S. § 3375; Laws 1897 ch.31 § 15, 1899 ch.26 § 140, 1901 ch.29 § 140, 1903 ch.41).
- 3 *Office group*; names of candidates arranged according to the size of the party votes at the last preceding election, those of the party which received the largest vote being placed at the top, and so on. Names of candidates nominated by petition,

however, are placed below those of all the party candidates. No provision as to the order of the several offices. (C. S. § 3375).

- 4 Special circles for voting a straight party ticket (C. S. § 3375).
- 5 A blank space provided for writing in names below each office group (C. S. § 3375).
- 6 No candidate's name is to appear in more than one place on the ballot, but if a candidate has been nominated by two or more parties for the same office, the titles of all such parties are to be placed after his name. The order in which they are to be so placed is not prescribed by law. (C. S. § 3375).
- 7 No provision for detachable stubs or for any system of numbering the ballots. Two of the election judges write their names in ink on the back of each ballot before its delivery to a voter, and each voter's name is checked off on the registration list when he receives his ballot and again when he returns it. (C. S. § 3381, 3384; Laws 1897 ch. 31 § 21, 24, 1899 ch. 26 § 146, 1901 ch. 29 § 8).
- 8 No provision for any printed indorsement on the outside or back of the ballot.
- 9 No provision for separate ballots for any local or other officers voted for at general elections. Constitutional amendments and other questions submitted are to be printed on the general ballot, above the names of all the candidates, "in such form as will enable the elector to vote upon the question so presented." An examination of the ballots shows that they are printed by very brief titles and references. (C. S. § 3375).
- 10 Sample ballots, on red or green paper, in the form to be used on election day and with the words "sample ballot" at the top, are to be printed and in the possession of the county or municipal clerk ten days before the election. They are to be subject to public inspection, and on or before election day any voter may obtain not over two such sample ballots and take them with him. (C. S. § 3375).

#### Rules for marking

To vote a straight party ticket, the voter is to place a cross mark in the party circle. (Such a cross mark is also taken to indicate a vote in favor of any constitutional amendment, or other question to be voted on, which has been indorsed by such party.) To vote a split ticket, the voter is to place a cross mark after the

name of each candidate for whom he wishes to vote, or to write in the name of any person he wishes in one of the blank spaces provided therefor and place a cross mark after it. If a voter puts a cross mark in one of the party circles and other cross marks after the names of individual candidates, he is to be deemed to have voted for all the candidates of the party whose party circle he marked, except those nominated for the same offices as the candidates after whose names he places separate cross marks. Where (as, for example, in the case of presidential electors) two or more persons are to be elected to any one office, one cross mark in the circle opposite the candidates of any one party will be deemed a vote for all the candidates of such party for such office. If the voter splits his vote for such an office, he must place a cross mark after the name of each individual candidate for whom he wishes to vote. (C. S. § 3381; Laws 1897 ch.31 § 21, 1899 ch.26 § 146, 1901 ch.29 § 8).

#### NEVADA

##### **Constitutional provisions**

“All elections by the people shall be by ballot . . .” (Const. 1864 art.2 § 5).

##### **Procedure by which names of candidates are placed on the ballot**

###### *By certificate of nomination*

- 1 Issued by “the officer charged with the canvass of the returns of any primary election in any county, city and county, or municipality,” or by the secretary of state in the case of state and district offices, on the basis of the official canvass of the returns of such primary election (Laws 1909 ch.198 § 24).
- 2 (In the case of offices excluded from the application of the direct primary law of 1909) signed by the chairman and secretary of a nominating convention of any party which polled at the last election at least 3% of the entire vote cast in the political division for which the nomination is made. (Hardly any offices were excluded from the application of the direct primary law of 1909, so that this method of nomination is now virtually negligible.)§ (Cutting's C. L. § 1694-95; Laws 1891 ch.40 § 2-3).
- 3 Signed by the electors residing in the political division for which the nomination is made to a number equivalent to at least 10% of the entire vote cast in such political division at the last preceding election, but in no case by less than five electors (C. L. § 1696; Laws 1891 ch.40 § 2, 4, 1893 ch.106 § 1).

Certificates of nomination under (2) and (3) *filed with* the secretary of state or the clerk of the county (C. L. § 1697; Laws 1891 ch.40 § 5).

#### Form of ballot

- 1 *Official*; printed and distributed at public expense by the clerks of the several counties (C. L. § 1693, 1706, 1709; Laws 1891 ch.40 § 1, 14, 17, 1899 ch.83 § 2); obtainable by the voters only on election day, at the polling places and from the election officers (C. L. § 1703, 1722; Laws 1891 ch.40 § 11, 30).
- 2 *Blanket* (C. L. § 1704; Laws 1891 ch.40 § 12).
- 3 *Office group*; names of candidates arranged under each office in alphabetical order, except in the case of presidential electors. After the name of each candidate is printed his party designation. The order of the several offices is not prescribed. (C. L. § 1704).
- 4 No special method provided for voting a straight party ticket.
- 5 One blank space after each office group for "substituting names to fill vacancies" (C. L. § 1704).
- 6 No express limitation as to the number of times a candidate's name may appear on the ballot. No provision in case a candidate is nominated by two or more parties.
- 7 Each ballot provided with a detachable stub, and the stubs numbered consecutively in each election precinct. The number on each stub is entered in the registry book opposite the voter's name as the ballot is delivered to him, and this entry is compared with the number on the stub when the voter returns the ballot after marking it. The stub is torn off before the ballot is deposited in the ballot-box. (C. L. § 1704, 1712; Laws 1891 ch.40 § 12, 20).
- 8 No provision for any printed indorsement on the back or outside of the ballot, but the ballots are printed on special watermarked paper, the watermark on which shows through on the back when the ballot is folded. This watermark is to be changed before each general election and not repeated within eight years. (C. L. § 1703; Laws 1891 ch.40 § 11).
- 9 No provision for separate ballots for any local or other officers voted for at general elections. Constitutional amendments and other questions submitted are printed on the general ballot "in such manner as to enable the voters to vote upon the question in the manner hereinafter provided." Examination of the ballots shows that they are printed by the titles given them by the legislature. (C. L. § 1704).

10 At least as many sample ballots are to be provided for each precinct, printed upon plain white paper without the official watermark, as there are voters in the precinct. One such sample ballot is to be given to each voter on request on election day. (C. L. § 1717; Laws 1891 ch.40 § 25, 1899 ch.83 § 3).

#### Rules for marking

The voter, whether he wishes to vote a straight party ticket or a split ticket, is to do so by placing a cross mark in the voting square after the name of each candidate for whom he wishes to vote. No provision expressly permitting the writing in of names not printed on the ballot. To vote on constitutional amendments or other questions submitted the voter is to place a cross mark opposite the answer which he desires to give. (C. L. § 1712; Laws 1891 ch.40 § 20; 1901 ch.100).

### NEW HAMPSHIRE

#### Constitutional provisions

"The meetings for the choice of governor, council and senators shall be warned by warrant from the selectmen, and governed by a moderator, who shall in the presence of the selectmen (whose duty it shall be to attend), in open meeting receive the votes of all the inhabitants of such towns and parishes present and qualified to vote for senators; and shall in said meetings, in presence of said selectmen and of the town clerk in said meetings, sort and count the said votes and make a public declaration thereof, with the name of every person voted for and the number of votes cast for each person . . ." (Const. 1783 pt. 2 art.31).

#### Procedure by which names of candidates are placed on the ballot

- 1 On *canvass* by the secretary of state of returns of direct *primary elections* and the publication by him of the names of the persons chosen as candidates by the various parties (Laws 1909 ch.153 § 12-13).
- 2 By *nomination papers* signed by voters qualified to vote for the office in question to the number of
  - (a) for an office to be filled by the voters of the entire state, 1000
  - (b) for the office of congressman, 500
  - (c) for the office of councillor or senator, or for a county or city officer, 250
  - (d) for an office to be filled by the voters of a town or of a ward of a city, 50

(Chase's P. S. p.141; Laws 1891 ch.49 § 5, 1897 ch.78 § 5).

3 (In the case of offices to which the direct primary law of 1909 does not apply) by *certificate of nomination* signed by the chairman and clerk of a caucus or convention of any party which at the biennial election next preceding polled at least 3% of the entire state vote for governor (P. S. p.140-41; Laws 1891 ch.49 § 2, 4, 1897 ch.78 § 2, 4).

Nomination papers (2) and certificates of nomination (3) *filed with* the secretary of state (P. S. p.141; Laws 1891 ch.49 § 7-8, 1897 ch.78 § 6), but for town and city elections not held at the same time as general state elections, with the town or city clerk (P. S. p.142; Laws 1897 ch.78 § 8).

#### Form of ballot

- 1 *Official*; printed and distributed at public expense by the secretary of state or by the clerks of cities and towns which have adopted the Australian ballot law for municipal elections held at a different time from state elections (P. S. p.142-44; Laws 1891 ch.49 § 10-16, 1897 ch.78 § 8, 10-13); obtainable by the voters only on election day, at the polling places and from the election officers (P. S. p.146, 148; Laws 1891 ch.49 § 22, 25, 27, 1897 ch.78 § 16, 18, 20).
- 2 *Blanket* (P. S. p.142-43; Laws 1891 ch.49 § 10-11, 1897 ch.78 § 10).
- 3 *Party column*; emblems; no provision as to the order of the several columns; addresses of candidates printed after their names (same reference as above).
- 4 Special circles for voting a straight party ticket (same reference as above).
- 5 A blank column at the right of the ballot for writing in names (same reference as above).
- 6 No limitation as to the number of columns in which a candidate's name may appear.
- 7 No provision for detachable stubs or for the numbering of the ballots. The names of the voters are merely checked off on the check-list as they receive, and again as they deposit their ballots. The election officers do not write their names or initials on the backs of the ballots. (P. S. p.147; Laws 1891 ch.49 § 22-23, 1897 ch.78 § 16-17).
- 8 On the back, or outside, of the ballot are printed the words "official ballot for," followed by the name of the town or ward for which the ballot is prepared, the date of the election and a facsimile of the signature of the officer who had the

ballots prepared (P. S. p.142-43; Laws 1891 ch.49 § 10-11, 1897 ch.78 § 10).

9 No provision for separate ballots for any local or other officers voted for at general elections. Constitutional amendments and other questions submitted are to be printed on the general ballot. No provision as to the form, except that they are to be "so printed as to give each voter an opportunity to designate by a cross mark in a square his answer to the question submitted," but according to the secretary of state (letter of Sept. 2, 1909) constitutional amendments are printed in such form as the constitutional convention prescribes, and other questions in full. As a matter of fact, no constitutional amendments have been submitted at a general election since the Australian ballot law was adopted. (Same reference as above).

10 Specimen ballots are to be prepared on tinted paper and without the official indorsement on the back—fifteen for each town or ward. Five of these are to be posted in public places prior to election day, and ten in each polling place on election day. (P. S. p.144; Laws 1891 ch.49 § 12-13, 1897 ch.78 § 11).

#### Rules for marking

To vote a straight party ticket, the voter is to place a cross mark in the party circle. To vote a split ticket, he is to place a cross mark in the party circle, erase on his party ticket the name of any candidate whom he wishes to scratch, and place a cross mark in the voting square opposite the name of the candidate for whom he wishes to vote, or write in a name in the proper space in the blank column. Unless cancelled or erased, the names of all candidates in the party column under the party circle marked are to be counted irrespective of whether the voter has marked other names elsewhere. One cross mark in a square opposite the group of presidential electors of any one party votes for all the electors of that party. A voter may also vote a split ticket by marking only the names of individual candidates. To vote on a constitutional amendment or other question, he is to put a cross mark in the square opposite the answer which he wishes to give. (P. S. p.146-47; Laws 1891 ch.49 § 23, 1897 ch.78 § 17).

#### NEW JERSEY Constitutional provisions

"Justices of the peace shall be elected by ballot at the annual meetings of the townships in the several counties of the state, and

of the wards of cities that may vote in wards, in such manner and under such regulations as may be hereafter provided by law" (Const. 1844 art.7 § 2 ¶ 8).

(There are no other references in the constitution to ballots or to the manner of voting for public officers.)

#### **Procedure by which names of candidates are placed on the ballot**

- 1 By *certificate of nomination*, signed by the presiding officer and secretary of "any convention of delegates or nominating body of a political party" which at the last preceding general election polled at least 2% of the total vote for members of the general assembly in the political division for which the nomination is made (Pub. Laws 1898 ch.139 § 38-39).
- 2 By *petition* signed by qualified voters, resident in the district for which the nomination is made, to a number equivalent to at least 2% of the total vote for members of the general assembly at the last preceding general election in the political division for which the nomination is made; provided that for an office to be filled by the voters of the entire state the number need not exceed 800; for any other office the number need not exceed 100; for the first election in a newly established district the number need not exceed 50 (Pub. Laws 1898 ch.139 § 41).
- 3 Filed with the secretary of state or the clerk of a county or municipality (Pub. Laws 1898 ch.139 § 42, 1904 ch.242).
- 3 On *canvass* by the county clerk of the results of a *direct primary election* (Pub. Laws 1903 ch.248 § 15 as amended by 1904 ch.241 § 1, 1906 ch.235 § 1, 1907 ch.278 § 3, 1908 ch.209).

#### **Form of ballot**

- 1 *Semiofficial*; printed and distributed at public expense by the clerks of counties and municipalities (Pub. Laws 1898 ch.139 § 48-49, 54, 1908 ch.186, 1910 ch.78). Obtainable by the voters from the election officers at the polls on election day, and also in the voting booths, where a supply is left. Obtainable also by any voter in blocks of fifty or over from a county municipal clerk at least four days before any election, on application at least seven days before such election and on prepayment of the cost of printing. These ballots may be, and commonly are, so obtained by the several party organizations and distributed to the voters prior to election day. (Pub. Laws 1898 ch.139 § 56-57, 78, 80, 198).

Official envelopes, printed on blue paper, 3 in. x 2½ in. in size, printed and distributed at public expense and obtainable by the voters only on election day, at the polling places and from the election officers (Pub. Laws 1898 ch.139 § 51, 54, 80, 208, 1908 ch.186).

- 2 *Separate for each party or group of petitioners* (Pub. Laws 1898 ch.139 § 49, 1906 ch.234, 1910 ch.84).
- 3 The names of all candidates nominated by each party or group are printed in a single column on its ballot under its name or title, or under the head of "independent nominations." The titles of all the offices are printed whether the party has nominated candidates for all of them or not. No other marks, words or devices are to be printed on the ballots. (Pub. Laws 1898 ch.139 § 49, 1906 ch.234 § 2, 1910 ch.84).
- 4 Cf. rules for marking.
- 5 No express provision for blank spaces for writing in names.
- 6 No limitation as to the number of different party or independent ballots on which a candidate's name may appear.
- 7 No provision for detachable stubs, or for any system of numbering or initialing the ballots. The name of each voter, however, is checked off on the register as he deposits his ballot. (Pub. Laws 1898 ch.139 § 67).
- 8 On the back, or outside, of each ballot, and on the face of each envelope, are to be printed the words "official  $\left\{ \begin{matrix} \text{ballot} \\ \text{envelope} \end{matrix} \right\}$  for," followed by the designation of the polling place for which the ballot or envelope is prepared, the date of the election, and a facsimile of the signature of the clerk who had the ballots or envelopes printed (Pub. Laws 1898 ch.139 § 50-51).
- 9 No provision for separate ballots for any local, or other officers voted for at general elections. Charter, local, municipal and special elections in cities, towns and other municipalities of less than 8000 inhabitants, however, are not governed by the provisions of the general ballot law. (Pub. Laws 1898 ch.139 § 85 as amended by 1901 ch.155, 1902 ch.70). Questions or propositions submitted to popular vote are to be printed on each party ballot below the names of the candidates. The law does not state whether they are to be printed in full or in some other form. (Pub. Laws 1898 ch.139 § 52, 1900 ch.114). Constitutional amendments are usually submitted at special elections (Letter from dept. of state, Sept. 10, 1909).

10 No provisions for sample ballots; the distribution of official ballots prior to election day renders them unnecessary.

#### Rules for marking

The voter may use either the ballot obtained from the election officers, or one found in the voting booth, or one which he has obtained outside the polling place and brought with him. The ballot may be prepared outside the polling place, or even received from a party organization already prepared. To vote a straight party ticket, the voter is to make no mark on his party ballot, but merely to inclose it in the official envelope obtained from the election officers. To vote a split ticket, he is to erase one or more names on one of the party ballots and substitute others either in writing or by pasters; but he must make no cross marks opposite them, as such marks are forbidden. When the ballot is ready, it must be folded so as to conceal the face, and inclosed in the official envelope. The flap of the envelope is then to be folded over, but not sealed, and the envelope returned to the election officers to be deposited. (Pub. Laws 1898 ch.139 § 80, 58-59). In voting on questions submitted, the voter is to erase the answer which he does not desire to give (Pub. Laws 1898 ch.139 § 152, 1900 ch.114).

### NEW MEXICO

#### Constitutional provisions

No provisions in the organic law of the territory in regard to ballots.

#### Procedure by which names of candidates are placed on the ballot

By *certificate of nomination*, signed by the presiding officer and secretary of "any political convention held in this territory or any county thereof for the purpose of nominating candidates to be voted for at any election held in this territory or any county thereof . . ." (Laws 1905 ch.127 § 1).

*Filed with the probate clerk of the county in which the convention was held* (Laws 1905 ch.127 § 1).

#### Form of ballot

1 *Semiofficial*; printed at county expense by the county recorders of the several counties. Printed and distributed under the supervision of the chairmen of the county committees of the various political parties in the county. (Laws 1905 ch.127 § 3). No provision in the law as to how the voters are to obtain their ballots, but as a matter of fact the ballots are distributed

by the several parties and the voters obtain them from the party officers before coming to the polls (Letter from the attorney general March 26, 1909).

- 2 *Separate for each party*; each ballot contains only the names of the candidates nominated by one party (Laws 1905 ch.127 § 3).
- 3 All ballots to be printed on paper of the same size, color, weight, etc. Each party ballot is to be headed by the emblem of the party, with the names of all the candidates of the party in a column underneath. (Laws 1905 ch.127 § 3).
- 4 Cf. rules for marking.
- 5 No express provision for blank spaces for writing in names.
- 6 The only provision on this subject is that "no person shall accept a nomination . . . from more than one political party" (Laws 1905 ch.127 § 3).
- 7 No provision for detachable stubs or for any system of numbering or initialing the ballots (C. L. 1897 § 1649; Laws 1893 ch.76 § 1).
- 8 On the back, or outside, if the ballot are printed the words "official ballot, election held . . ." (insert date), with a facsimile signature of the county recorder who had the ballots printed (Laws 1905 ch.127 § 3).
- § 1648; C. L. 1865 ch.63 § 22) and that "nothing in this section voted for at general elections. Questions and propositions submitted are printed on the general ballot. No provision as to the form in which they are to be printed. (C. L. 1897 § 1634).
- 10 No provision for the printing, distribution or posting of sample ballots.

#### Rules for marking

No provision in the law as to whether the ballots are to be marked by the voters (if at all) at the polling places, or before going there. No mention in the law of any voting booths. The law merely provides that "all votes shall be by ballot, each voter being required to deliver his own vote in person" (C. L. 1897 § 1648; C. L. 1865 ch.63 § 22) and that "nothing in this section shall be construed to prohibit any person from erasing or changing in any manner any name on any such ticket or ballot voted by such person . . ." (Laws 1905 ch.127 § 1). Both provisions permit of the voter's preparing his ballot elsewhere, and merely bringing it with him to the polling place and casting it.

NEW YORK  
Constitutional provisions

"All elections by the citizens except for such town officers as may by law be directed to be otherwise chosen shall be by ballot, or by such other method as may be prescribed by law, provided that secrecy in voting be preserved" (Const. 1894 art.2 § 5).

**Procedure by which names of candidates are placed on the ballot**

By *certificate of nomination*, signed by

- 1 The presiding officer and secretary of a nominating convention of any political party which cast at least 10,000 votes for governor at the last preceding election for governor, or a duly authorized committee of such convention (Elec. Law § 120-21; Laws 1896 ch.909 § 56, 1901 § 654).
- 2 The board of inspectors of a direct primary election ordered by the party committee of any city or village governed by article 3 of the Consolidated Election Law, or of any county wholly within such a city, or of any borough of such a city (Elec. Law § 71; Laws 1899 ch.473 § 12, 1900 ch.202 § 2).
- 3 Voters, resident in the district for which the nomination is made, to the number of
  - (a) for an office to be filled by the voters of the entire state, 6000 (at least 50 from each county)
  - (b) for city officers voted for by all the voters of a city of the first class, 2000
  - (c) for city officers voted for by all the voters of a city of the second class, 1000
  - (d) for city officers voted for by all the voters of any other city, 500
  - (e) for an office, other than municipal voted for by all the voters of a district less than the whole state but greater than a town or a ward of a city, 1000
  - (f) for the office of assemblyman or school commissioner, 500
  - (g) for any office voted for only by the electors of a town, or of a ward of a city or village, 100 (but where a town or ward includes a complete assembly district, then the number of signers must be 500).

(Elec. Law § 122-23; Laws 1896 ch.909 § 57; 1901 ch.654).

*Filed with the secretary of state or a county or municipal clerk; in New York city with the board of elections, and in certain coun-*

ties (Erie, Monroe, Onondaga and Westchester) with the commissioner of elections (Elec. Law § 127, 216, 236, 256, 276; Laws 1896 ch.909 § 58, 1901 ch.95, 1902 ch.241, 405, 1905 ch.643, 1904 ch.394 § 7, 1905 ch.229 § 1, 1908 ch.489 § 7, 1908 ch.492 § 7, 1907 ch.255 § 7).

#### Form of ballot

- 1 *Official*; printed and distributed at public expense by county and municipal clerks, the board of elections of New York city and the commissioners of elections of Erie, Monroe, Onondaga and Westchester counties (Elec. Law § 330, 341, 343; Laws 1896 ch.909 § 80, 87, 1897 ch.379, 609, 1905 ch.643); obtainable by the voters only on election day, at the polling places and from the election officers (Elec. Law § 356, 359; Consol. Penal Law § 764 subd. 5, 13, 14, 16; Laws 1896 ch.909 § 104, 106, 1892 ch.693 § 1).
- 2 *Blanket* (Elec. Law § 331; Laws 1896 ch.909 § 81).
- 3 *Party column*; emblems; columns arranged in such order as the secretary of state may direct, precedence being given, however, to the party which at the last preceding election polled the largest number of votes for governor, and so on (Elec. Law § 331).
- 4 Special circles for voting a straight party ticket (Elec. Law § 331).
- 5 A blank column at the right of the ballot for writing in names (Elec. Law § 331).
- 6 No limitation as to the number of times a candidate's name may appear on the ballot.
- 7 Each ballot provided with a detachable stub. All the stubs in each election district numbered consecutively. As each voter receives his ballot the number on the stub thereof is written opposite his name on the poll-book. When he returns his ballot to be deposited, the number on the stub is compared with the number entered opposite his name in the poll-book, and, if the numbers correspond, the stub is torn off, the ballot deposited in the ballot-box and the stub in the box for detached stubs. (Elec. Law § 331, 355, 359; Laws 1896 ch.909 § 81, 103, 106, 1908 ch.521 § 2-3).
- 8 On the back, or outside, of the ballot below the stub are printed the words "official ballot for," followed by the designation of the polling place, the date of the election and a facsimile of the signature of the officer who caused the ballots to be printed (Elec. Law § 331).

9 No provision for separate ballots for any local or other officers voted for at general elections. A separate ballot for constitutional amendments and other questions submitted, on which each amendment or question is printed in a reading form prescribed by the secretary of state. Another separate ballot for town propositions, and still another for town appropriations, if any. (Elec. Law § 295, 332; Laws 1896 ch.909 § 7, 82, 1900 ch.381 § 4, 1901 ch.598 § 3).

10 Sample ballots, on paper of a different color from the official ballots and without numbered stubs, are to be provided for each polling place to the number of 25% of the number of official ballots. From five days before election until election day any voter may obtain a sample ballot from the officer or board charged with providing the same. Each voter may also obtain from the ballot clerks at the polling place on election day one sample ballot and may take it away with him. (Elec. Law § 333, 342; Laws 1896 ch.909 § 83, 86, 1897 ch.379 § 18, 1900 ch.381 § 5, 1901 ch.95 § 18 and ch.615 § 1, 1902 ch.176 § 1 and ch.405 § 5, 1904 ch.733 § 2, 1905 ch.643 § 18).

#### Rules for marking

To vote a straight party ticket the voter is to place a cross mark in one of the party circles. To vote a split ticket he may place a cross mark in one of the party circles and other cross marks in the voting squares opposite the names of individual candidates, in which case his vote is not counted for the corresponding party candidates, the cross marks in the individual voting squares taking precedence of the mark in the party circle. (Where two or more persons are to be elected to any one office, and the voter marks the party circle of his party and the voting squares of one or more candidates for such office not of his party, the rules for counting are too complicated to be given here in full). The voter may also vote a split ticket by omitting to mark any of the party circles and placing cross marks only in the voting squares opposite the names of individual candidates for whom he wishes to vote, or by writing in the blank column the name of any person whose name is not printed on the ballot. In voting on a constitutional amendment or other question the voter is to place a cross mark in the voting square opposite the answer which he desires to give. (Elec. Law § 358, 368; Laws 1896 ch.909 § 105, 110 subd. 2, 1898 ch.335 § 6-7, 1901 ch.654 § 5).

NORTH CAROLINA  
Constitutional provisions

"All elections by the people shall be by ballot . . ." (Const. 1875 art.6 § 6).

**Procedure by which names of candidates are placed on the ballot**

Since, outside of New Hanover county, the ballots are non-official and privately printed, there are no provisions as to the procedure by means of which the name of a candidate may be given a place on them.

New Hanover county

All nominations for county, township or legislative officers in New Hanover county are to be made at official primary elections held under the supervision of the county board of elections which is charged with preparing the official ballots for the county, and it is provided "that the name of any candidate for election to any county, township or legislative office shall not be printed on any ballots in this act provided for, unless such candidate shall have been regularly nominated by a primary election in accordance with the provisions of this act" (Laws 1909 ch.867 § 12. The act applies to all primary, as well as general, elections within the county). There is no further provision as to the method of certifying to the county board of elections the names of the candidates nominated by each party at the primaries.

**Form of ballot**

Outside of New Hanover county there is no provision for the public printing of ballots. The ballots are printed by the several party organizations or by individuals, and by them distributed to the voters. The law merely provides that "The ballots shall be on white paper and may be printed or written, or partly written and partly printed, and shall be without device. The state board of elections may, on or before the first Monday of September, 1906, and biennially thereafter, prescribe the size of ballots for state, judicial and congressional officers, and the county board of elections may, on or before the first Monday of September, 1906, and biennially thereafter, prescribe the size of the ballot for county, legislative and township offices." (Revised 1908 § 4344; Laws 1901 ch.89 § 28). There are to be five separate ballots for different groups of officers, as follows: (1) state officers; (2) members of congress; (3) presidential electors; (4) county officers and members of the general assembly; (5) township officers (Revisal 1908 § 4345; Laws 1901 ch.89 § 28). There are no other provisions as to the form of the ballots.

## New Hanover county

- 1 *Official*; printed and distributed at public expense by the county board of elections (Laws 1909 ch.867 § 1, 2, 4). Though not expressly provided, it is strongly implied that ballots are obtainable by the voters only on election day, at the polling place and from the election officers (Laws 1909 ch.867 § 1, 6, 13).
- 2 *Blanket* (Laws 1909 ch.867 § 3).
- 3 *Party column*; no emblems; party receiving largest vote at last preceding election given first column at left and so on (Laws 1909 ch.867 § 3).
- 4 Special circles for voting a straight party ticket (Laws 1909 ch.867 § 3).
- 5 A blank column at the right of the ballot for writing in names (Laws 1909 ch.867 § 3).
- 6 No limitation as to the number of times a candidate's name may appear on the ballot.
- 7 Each ballot provided with a detachable stub, on the back of which are printed the serial number of the ballot and blanks for the voter's name and the designation of the precinct. (There is no provision, however, for the filling in of these blanks.) As each voter receives his ballot one of the judges writes his initials on the back, the voter's name is checked off on the registration-list and the number on the stub of his ballot entered opposite his name. When he returns his ballot the number opposite his name on the registration-list is compared with that on the stub, and if it be the same the stub is torn off and the ballot deposited in the ballot-box. (Laws 1909 ch.867 § 3, 6, 13).
- 8 On the back, or outside, of the ballot are printed the words "official ballot for," followed by the designation of the polling place for which the ballot was prepared, the date of the election and facsimile of the signature of the officer who caused the ballots to be printed (Laws 1909 ch.867 § 3).
- 9 No provision for separate ballots for any officers or groups of officers voted for at general elections. No provision as to constitutional amendments or other questions submitted.
- 10 No provision for the printing, distribution or posting of sample ballots.

**Rules for marking**

Outside of New Hanover county there are no provisions for voting booths or for the preparation of ballots by the voters at the

polling places. The ballots are obtained and prepared for voting elsewhere, and merely brought to the polls and deposited on election day. In preparing their ballots, however, the voters must write on them nothing but the titles of the offices to be voted for and the names of the candidates. (Revisal 1908 § 4342-43, 4347).

### New Hanover county

To vote a straight party ticket, the voter is to place a cross mark in one of the party circles. To vote a split ticket he is to place cross marks in the voting squares before the names of the individual candidates for whom he wishes to vote, or to write in the name of any person for whom he wishes to vote, whose name is not on the ballot, in the blank column on the right, and make a cross mark before his name. (Not stated whether a split ticket may also be voted by a cross mark in one of the party circles and other cross marks in the voting squares opposite the names of individual candidates of other parties). (Laws 1909 ch.867 § 3).

### NORTH DAKOTA Constitutional provisions

"All elections by the people shall be by secret ballot, subject to such regulations as shall be provided by law" (Const. 1889 art.5 § 129).

#### Procedure by which names of candidates are placed on the ballot

- 1 On the *statements* of county and city canvassing boards of *direct primary elections* as to the candidates nominated at such elections (P. C. § 588, 592-93; Laws 1905 ch.109 § 28, 32-33, 1907 ch.109 § 23-28).

*Filed with the county auditor of the county, and by him with the secretary of state* (Laws 1907 ch.109 § 23-28).

- 2 (In the case of presidential electors and municipal officers to whom the direct primary law of 1907 does not apply) by *certificate of nomination* signed by the presiding officer and the secretary of "any assembly or convention of delegates held for the purpose of making nominations to public office" (P. C. § 601, 625; Laws 1891 ch.66 § 2-3, 1893 ch.60 § 2; R. C. 1895 § 498-99; Laws 1905 ch.109).

- 3 By *certificate of nomination* signed by electors, resident in the district for which the nomination is made, to the number of (a) for an office to be filled by the voters of the entire state, not less than 300

- (b) for an office to be filled by the voters of a district less than the entire state, not less than 10% of the number of votes cast for member of congress at the last preceding general election
- (c) for a municipal office in an incorporated city, town or village, not less than 10% of the total number of votes cast at the last preceding election held therein

(R. C. 1899 § 501; Laws 1891 ch.66 § 5, 1893 ch.60 § 3. By mistake this section was not reprinted in P. C. 1905 though still in force; letter from legislative reference librarian).

Certificates of nomination (2 and 3) filed with the secretary of state, or "the officer charged with directing the printing of the ballots," in the case of local officers (P. C. § 601, 626; Laws 1891 ch.66 § 2, 4, 1893 ch.60 § 2, 4; R. C. 1895 § 498, 500; Laws 1905 ch.109).

#### **Form of ballot**

- 1 *Official*; printed and distributed at public expense by county auditors (P. C. § 614, 619-20; Laws 1891 ch.66 § 1, 18, 20, 1893 ch.60 § 1; R. C. 1895 § 489, 492-93); obtainable by the voters only on election day, at the polling places and from the election officers (P. C. § 640, 681, 684; Laws 1891 ch.66 § 23, 28, 34; R. C. 1899 § 515, 556, 559).
- 2 *Blanket* (P. C. § 616; Laws 1891 ch.66 § 17, 1893 ch.60 § 6; R. C. 1899 § 491; Laws 1905 ch.109).
- 3 *Party column*; no emblems; the first three columns arranged according to the size of the party vote for members of congress at the last election, the party which polled the largest vote being given the first column at the left, and so on; the other columns, if any, arranged in such order as certain specified public officers may direct (P. C. § 616 (cf. above), 618; Laws 1891 ch.66 § 17, 1893 ch.60 § 6, 1897 ch.76; R. C. 1899 § 491).
- 4 Special squares for voting a straight party ticket (P. C. § 616).
- 5 Blank spaces under the names of the several candidates for writing or pasting in names (P. C. § 616).
- 6 No candidate's name is to be printed in more than one column on the ballot. He may decide if nominated by two or more parties, in which column his name shall appear, but if he fails to do so, it is to be printed in that of the party which first nominated him. (P. C. § 617; Laws 1891 ch.66 § 17, 1893 ch.60 § 6, 1897 ch.76; R. C. 1899 § 491).

- 7 No provision for detachable stubs, or for any system of numbering the ballots. The inspector or judge who delivers the ballots to the voters is to write his initials on the back of each ballot before giving it out. (P. C. § 640; Laws 1891 ch. 66 § 23; R. C. 1895 § 493; R. C. 1899 § 515).
- 8 No provision for any printed indorsement on the back, or outside, of the ballot, but the inspector or judge who delivers the ballots to the voters is to stamp on the back of each ballot before giving it out, with a special stamp provided for the purpose, the words "official ballot," the designation of the precinct and county and the date of the election (P. C. § 620, 640; Laws 1891 ch. 66 § 20, 23; R. C. 1895 § 493; R. C. 1899 § 515).
- 9 Separate ballots without party designations of any sort, and containing only the names of the two candidates who have received the largest number of votes at a non-partisan direct primary election, for judges of the supreme and district courts (L. 1909 ch. 82). A separate ballot for constitutional amendments and questions submitted, which "must embrace the constitutional amendments in full"; and, "if the question be other than a constitutional amendment, it shall be stated fully and fairly on such ballot" (P. C. § 616). Still other ballots for local questions (P. C. § 618).
- 10 Sample ballots, without the official stamp, to be posted, one in each voting booth and three elsewhere in each polling place (P. C. § 621; Laws 1891 ch. 66 § 29; R. C. 1899 § 494).

#### **Rules for marking**

No set of rules for marking the ballot is expressly provided; but it is stated in § 616 of the Political Code that, to vote a straight party ticket, the voter is to place a cross mark in one of the party squares there provided for. In the same section it is implied that, to vote for individual candidates, the voter is to place cross marks in the voting squares opposite the names of such candidates. It is, however, expressly provided that "nothing in this chapter shall prevent any voter from writing or pasting on his ballot the name of any person for whom he desires to vote and such vote shall be counted the same as if printed on the ballot and marked by the voter." (P. C. § 615; Laws 1891 ch. 66 § 15; R. C. 1899 § 490).

## OHIO

## Constitutional provisions

"All elections shall be by ballot" (Const. 1851 art.5 § 2).

## Procedure by which names of candidates are placed on the ballot

- 1 By *certificate of nomination* signed by the proper officers of any caucus, convention, meeting of qualified electors, primary election or central or executive committee, representing a political party which at the last general election polled at least 1% of the entire vote cast in the state (G. C. § 4992-93; Laws 1891 p.455, 1892 p.434).
- 2 On *canvass* by county boards of deputy state supervisors and inspectors of elections of the results of *direct primary elections* for certain local officers (G. C. § 4959, 4984-85; Laws 1908 p.214 § 8, 29-30).
- 3 By *nomination papers* signed by qualified electors to the number of
  - (a) for a state or district office, 1% of the total vote at the last preceding election in the state or in the district
  - (b) for county offices in counties containing cities in which annual registration is required (Cleveland, Cincinnati, Toledo and Columbus), 2% of the total vote in the county at the last preceding election
  - (c) for county offices in other counties, 300
  - (d) for city offices, 50
  - (e) for township, ward, village or school district offices, 25 (G. C. § 4996-97, 4999; Laws 1891 p.455, 1892 p.434, 1898 p.93, 1904 p.226).

Certificates of nomination (1) and nomination papers (3) *filed* with the secretary of state, or with the boards of deputy state supervisors and inspectors of elections of the several counties (G. C. § 5004; Laws 1891 p.456, 1892 p.435, 1893 p.269, 1898 p.189, 1904 p.227).

## Form of ballot

- 1 *Official*; prepared and distributed at public expense by the several county boards of deputy state supervisors and inspectors of elections (G. C. § 5037-39, 5050, 5052-53; Laws 1891 p.451-52, 1892 p.438-39, 1893 p.271-72, 1894 p.243, 291, 1896

p.147, 1904 p.229, 1906 p.234, 1910 p.228) ; obtainable by the voters only on election day, at the polling places and from the election officers (G. C. § 5067, 5073, 5079; Laws 1891 p.460, 1892 p.444, 446, 1893 p.274, 1896 p.148, 1906 p.225).

- 2 *Blanket* (G. C. § 5016; Laws 1908 p.399).
- 3 *Party column*; emblems; party columns arranged in such order as the secretary of state shall direct, precedence, however, being given to that party which at the last preceding election polled the largest number of votes for the head of its ticket, and so on. Independent nominations are arranged in columns to the right of the party columns, and on the same plan. (G. C. § 5017-18; Laws 1891 p.458, 1892 p.440, 1904 p.231).
- 4 Special circles for voting a straight party ticket (G. C. § 5021, 5026; sess. law reference same as 3).
- 5 Blank spaces for writing in names under the names of the several candidates (G. C. § 5025 and diagram; sess. law reference same as 3).
- 6 No limitation as to the number of columns in which a candidate's name may be printed.
- 7 Each ballot provided with a detachable stub, on the back of which the ballot clerk, before delivering the ballot to a voter, writes either the voter's registered number, in all districts where the registration law is in force, or, in all other districts, the voter's name. The same number or name is also entered on a second stub which remains in the "stub-book" from which the ballots are torn, the "stub-book" thus serving as a poll-book. The stubs which remain in the "stub-book" are also consecutively numbered. When the voter returns his ballot to be deposited, the number, or name, on the stub which is attached to the ballot is compared with the number, or name, on the stub which remains in the "stub-book," and, if they correspond, the first stub is detached from the ballot, to be preserved till the closing of the polls, and the ballot is deposited. (G. C. § 5023-24 (sess. law reference same as 3), also § 5066-67, 5073-74; Laws 1891 p.460, 1892 p.444, 446, 1893 p.274, 1896 p.148, 1906 p.226).

8 On the back, or outside, of the ballot are printed the words  
 "official ballot," (or "official municipal  
township  
board of education  
assessors of real property)  
 ballot," as the case may be,) the date of the election, and a facsimile of the signature of the officer who caused the ballots to be printed (G. C. 5022; (sess. law references same as 3), also Laws 1910 p.34).

9 Separate ballots of the "office group" form, and without party designations of any sort, for members of boards of education, and also for township assessors of real property (G. C. § 5032-33, 5035; Laws 1906 p.116, 1909 p.81). At local elections the ballots for township officers and justices of the peace are separate from those for municipal officers, unless the limits of the township and those of the municipality coincide (G. C. § 5028; Laws 1908 p.399). Constitutional amendments and the question "Shall there be a convention to revise, alter or amend the constitution?" printed in the first column on the general ballot "in language sufficient to clearly designate" them (G. C. § 5019; Laws 1908 p.120, 1910 p.169). Questions submitted other than constitutional amendments are printed on separate ballots. No provision as to the form in which they are to be printed. (G. C. § 5020; sess. law reference same as 3).

10 No provision for the printing, distribution or posting of sample ballots.

#### **Rules for marking**

To vote a straight party ticket, the voter is to place a cross mark in one of the party circles, or cross marks opposite the names of all the candidates of his party. To vote a split ticket, he may omit to mark any party circle and place cross marks only opposite the names of the individual candidates for whom he wishes to vote, or he may mark one of the party circles and put other cross marks opposite the names of individual candidates not of his party. Where two or more persons are to be elected to any one office, the voter, if he wishes to vote for one or more candidates of his own party and one or more candidates not of his party for such office, must, if he has marked his party circle, indicate clearly by crosses and erasures just which candidates of his own party he intends to scratch. To vote for any person whose name is not printed on the

ballot, the voter is to write the name in one of the blank spaces provided, and put a cross mark opposite it. To vote on a constitutional amendment or other question, the voter is to put a cross mark opposite the answer which he desires to give. (G. C. § 5070; Laws 1891 p.460, 1892 p.444).

### OKLAHOMA

#### Constitutional provisions

“The legislature shall enact laws providing for a mandatory primary system which shall provide for the nomination of all candidates in all elections for state, district, county and municipal officers, for all political parties, including United States senators: provided, however, this provision shall not exclude the right of the people to place on the ballot by petition any non-partisan candidate. In all elections by the people the vote shall be by ballot and the legislature shall provide the kind of ticket or ballot to be used and make all such other regulations as may be necessary to detect and punish frauds, and preserve the purity of the ballot . . .” (Const. 1907 art.3 § 5-6).

#### **Procedure by which names of candidates are placed on the ballot**

- 1 On *canvass* by state and county election boards of the returns of *direct primary elections*, and determination of the successful candidates for nomination who are entitled to have their names placed on the official ballots for the general election (Laws 1910 ch.111 § 8a, 9a).
- 2 By *petition* signed by a person wishing to have his name printed on the official ballots as a non-partisan, or independent, candidate (Snyder's C. L. 1909 § 3278-79; Laws 1909 ch.16 art.4 § 8-9. Since § 3281-83 of Snyder's C. L. 1909 were repealed by Laws 1910 ch.54 there is now no provision that such non-partisan nominating petitions must be signed by any voters other than the candidate himself).

*Filed with state and county election boards (C. L. 1909 § 3278-79).*

#### **Form of ballot**

- 1 *Official*; printed and distributed at public expense by the state and county election boards (Laws 1910 ch.111 § 13-14, 21). It is not expressly provided that the official ballots are obtainable by the voters only on election day, at the polling places and from the election officers, but this is clearly implied (Laws 1910 ch.111 § 26, 59).

- 2 *Blanket* (Laws 1910 ch.111 § 15, 17).
- 3 *Party column*; emblems; the ticket of the Democratic party is to be printed in the first column at the left of the ballot; that of the Republican party in the second column; and those of other parties in such order as the state election board shall direct (Laws 1910 ch.111 § 15-16).
- 4 Special circles for voting a straight party ticket (Laws 1910 ch.111 § 17, 26).
- 5 No provision for any blank column or blank spaces for writing in names.
- 6 No limitation as to the number of times a candidate's name may appear on the ballot.
- 7 No provision for detachable stubs, or for any system of numbering the ballots. Two of the election officers of different political parties are to write their initials in the lower left-hand corner on the back of each ballot before its delivery to a voter; and when the voter returns his ballot to be deposited the word "voted" is to be written after his name on the poll-list. (Laws 1910 ch.111 § 25-26).
- 8 No provision for any printed indorsement on the back, or outside, of the ballot.
- 9 One ballot for state and district officers, printed on tinted paper; another for county and local officers, printed on white paper (Laws 1910 ch.111 § 15, 17). Constitutional amendments and other questions submitted by initiative petition or referendum, and constitutional amendments submitted by the legislature, are printed on a separate ballot, by ballot titles of not over 100 words. Other questions printed either on the general ballot or on separate ballots. (C. L. 1909 ch.51 § 3679-82; Laws 1910 ch.66).
- 10 Sample ballots to be printed on paper of a different color from that of the state or county ballots (Laws 1910 ch.111 § 17). No provision as to how they are to be used.

#### Rules for marking

To vote a straight party ticket, the voter is to stamp a cross in one of the party circles. To vote a split ticket, he is either to stamp one of the party circles and also stamp the squares in front of the names of individual candidates of other parties; or he is to stamp only the squares in front of the names of the individual candidates for whom he wishes to vote. No provision for voting for a person whose name is not printed on the ballot. To vote on a consti-

tutional amendment or other question the voter is to stamp the square in front of the answer which he wishes to give; except that in the case of amendments suggested by the legislature and proposed by initiative petition, he is to erase the answer which he does not wish to give. (Laws 1910 ch.111 § 26, ch.66 art.2 § 4-5).

## OREGON

### Constitutional provisions

" . . . in all elections by the people, votes shall be given openly or *viva voce* until the legislative assembly shall otherwise direct" (Const. 1857 art.2 § 15).

#### **Procedure by which names of candidates are placed on the ballot**

- 1 On *canvass* of the votes cast at *direct primary elections* and the certification of the results, in the case of county and precinct offices by the county clerk; in the case of municipal offices of cities and towns of over 2000 inhabitants whose elections are held at a different time from general state elections, by the city clerk, recorder or auditor, as the case may be; and in the case of other officers, by the governor (Laws 1905 p.7 § 6, 29-30).
- 2 (In the case of candidates nominated by parties which at the last preceding general election polled less than 25% of the entire vote cast in the state for representative in Congress, and of candidates for municipal offices in cities and towns of less than 2000 inhabitants and for school offices) by *certificate of nomination* signed by the presiding officer and secretary of a party which at the last preceding election polled at least 5% of the vote for representative in Congress in the district for which the nomination is made, or which presents a petition signed by 5% of the electors of such district stating their intention to form a new political party; or signed by the presiding officer and secretary of an organized assembly of at least 100 electors (C. & S. § 2791-92; Laws 1891 p.18 § 31-32, 1901 p.361-62 § 14-15).

*Filed with* the secretary of state, the clerk of a county, or the city clerk or recorder of a city of over 2000 inhabitants (C. & S. § 2797; Laws 1891 p.20 § 37, 1903 p.250).

- 3 By *certificate of nomination* signed by electors to the number of
  - (a) for an office to be filled by the voters of the state at large, or for member of Congress, 2% of the electors of the state or district

(b) for an office to be filled by the voters of an electoral district or county of the state, 3% of the electors of such county or district

(c) for an office to be filled by the voters of a precinct, or constable or justice of the peace, 3% of the electors of such precinct or justice of the peace district

(In estimating these percentages, the vote for governor or presidential electors, as the case may be, is taken as the basis).

(C. & S. § 2793; Laws 1891 p.19 § 33, 1901 p.362 § 16).

#### Form of ballot

- 1 *Official*; printed and distributed at public expense by the clerks of the several counties and the clerks or recorders of cities and towns (C. & S. § 2698, 2807, 2814-15; Laws 1891 p.23 § 47, p.26 § 54-55, 1893 p.125 § 12, 1903 p.250); obtainable only on election day, at the polling places and from the election officers (C. & S. § 2818, 2827, 2829; Laws 1891 p.27 § 58, p.30 § 67, p.31 § 69).
- 2 *Blanket* (C. & S. § 2809; Laws 1891 p.23 § 49, 1895 p.68 § 1).
- 3 *Office group*; names of candidates arranged in alphabetical order according to surnames (except in the case of presidential electors), and numbered consecutively, beginning at the upper left-hand corner of the ballot with no.12 (C. & S. § 2809).
- 4 No special method provided for voting a straight party ticket.
- 5 Blank spaces after each office group for writing in names (C. & S. § 2809).
- 6 No candidate's name is to appear more than once on the ballot, but each candidate's name is to be followed by the party or political designation, expressed in not over three words, of each party or group which nominated him and whose nomination he accepted (C. & S. § 2809).
- 7 Each ballot provided with two detachable stubs, one marked "stub to be torn off by the chairman," the other "stub to be torn off by the first clerk." Before delivering a ballot to a voter the chairman is to write on the second of these stubs the name and residence of the voter and certain other data. The clerk is then to number both stubs to correspond with the voter's number on the poll-book, and to tear off the second stub. From this stub the voter's name and residence are then copied into the poll-book. When the voter returns his ballot to be deposited, the number on the first stub is compared with

his number in the poll-book, and if it corresponds, the stub is torn off by the chairman and the ballot deposited. The word "voted" is then written opposite the name of the voter in the poll-book. (C. & S. § 2809, 2818, 2820; Laws 1891 p.27-28 § 58-60).

8 No provision for any printed indorsement on the back, or outside, of the ballot. The indorsement elsewhere usually so printed is, in Oregon, printed on the face of the ballot at the top. (C. & S. § 2809).

9 No provision for a separate ballot for local or other officers voted for at general elections. Constitutional amendments and other questions submitted are to be printed on the general ballot and numbered consecutively. An examination of the ballot shows that they are printed by fairly full descriptive titles. For amendments or measures submitted by initiative or referendum, the attorney general prescribes a "ballot title" of not over 100 words. (C. & S. § 2809; also Laws 1907 p.401 § 5).

10 Sample ballots, to the same number as the official ballots, but on colored paper, without detachable stubs and with a different width of margin, to be prepared and to be furnished to any voters who want them both before the election and on election day (C. & S. § 2808, 2810; Laws 1891 p.23-24 § 48, 50, 1901 p.364 § 20).

#### Rules for marking

The voter, whether he wishes to vote a straight party ticket or a split ticket, is to do so by placing a cross mark to the left of the name of each individual candidate for whom he wishes to vote, or, if he wishes to vote for a person whose name is not printed on the ballot, by writing such person's name in one of the blank spaces provided for the purpose. To vote on a constitutional amendment or other question submitted, the voter is to place a cross mark to the left of the answer which he desires to give. (C. & S. § 2819; Laws 1891 p.28 § 59, 1895 p.86, 1901 p.366 § 22).

### PENNSYLVANIA

#### Constitutional provisions

"All elections by the citizens shall be by ballot or by such other method as may be prescribed by law. Provided, That secrecy in voting be preserved" (Const. 1873 art.8 § 4 as amended Nov. 5, 1901).

**Procedure by which names of candidates are placed on the ballot**

- 1 By *certificate of nomination* signed by the presiding officer and secretary of any convention of delegates, or primary meeting of electors, or caucus, held under the rules of a political party, or any board authorized to certify nominations representing a political party, which, at the last preceding election, polled at least 2% of the largest entire vote cast for any office in the state, or in the political division for which the nomination is made (Digest § 119; Laws 1893 p.419 § 2, 1897 p.179 § 1).
- 2 On *canvass* by the county commissioners of any county of the results of a *direct primary election* of any political party or body of electors, one of whose candidates, at either the general or February election preceding, polled 2% of the largest entire vote cast in the state for any candidate at the last general election; and certification of the successful candidates for nomination (in the case of district officers and Congressman) to the secretary of the commonwealth (Laws 1906 p.36 § 11).
- 3 By *nomination papers* signed by qualified electors to the number of
  - (a) for an office to be voted for by the voters of the entire state, at least  $\frac{1}{2}$  of 1% of the largest vote cast in the state at the last preceding election for any state officer
  - (b) for any other office, at least 2% of the largest entire vote for any officer elected at the last preceding election in the political division for which the nomination is made

(Digest § 121; Laws 1893 p.419 § 3, 1897 p.223 § 1).

Certificates of nomination (1) and nomination papers (3) *filed with* the secretary of the commonwealth, or the county commissioners of any county (Digest § 124-26; Laws 1893 p.419 § 5, 1897 p.223 § 3).

**Form of ballot**

- 1 *Official*; printed and distributed at public expense by the county commissioners of each county (Digest § 140-41, 164; Laws 1893 p.419 § 1, 13, 17); obtainable by the voters only on election day, at the polling places and from the election officers (Digest § 177, 194, 212, 218; Laws 1893 p.419 § 21, 27, 30, 35, 1903 p.338 § 4, 6).
- 2 *Blanket* (Digest § 142-54; Laws 1893 p.419 § 14, 1897 p.223 § 6, 1903 p.338 § 2).
- 3 *Office group*; names of candidates arranged under the title of each office according to the size of the vote polled by their

respective parties at the last presidential election for the head of the ticket, the candidate of the party which received the largest vote being placed first, and so on. Names of independent candidates arranged alphabetically. Names of candidates for presidential electors arranged in party groups in same order as party candidates for other offices. (Digest § 145-46).

- 4 Special squares for voting a straight party ticket (Digest § 152-53).
- 5 Blank spaces for writing in names under each office group, as many as there are persons to be elected to such office (Digest § 148).
- 6 No candidate's name to appear more than once on the ballot, but each candidate's name is to be followed by the designation of all the parties or groups which have nominated him for the office under which his name appears, arranged in the same order as the candidate's names under each office (Digest § 147).
- 7 Each ballot provided with a detachable stub, but this stub remains in the stub-book when the ballot is delivered to a voter, and is not otherwise made use of. As the voter receives his ballot the letter "B" is placed opposite his name on the "ballot check-list," and when he returns his ballot to be deposited, his name is checked off on the "voting check-list." (Digest § 155-56, 177, 183-87; Laws 1893 p.419 § 15, 21, 23, 1903 p.213 § 1).
- 8 On the back, or outside, of the ballot are printed the words "official ballot," followed by the designation of the polling place, the date of the election and facsimiles of the signatures of the county commissioners who had the ballots printed (Digest § 157; Laws 1893 p.419 § 15).
- 9 No provision for separate ballots for any local or other officers voted for at general elections. Constitutional amendments and other questions submitted are printed on the general ballot "in brief form," i. e. by brief descriptive titles. (Digest § 149).
- 10 Specimen ballots, on tinted paper without the official indorsement, but otherwise copies of the official ballots, to be posted, five in each polling place, and to be distributed to any voters who ask for them (Digest § 161-62, 176; Laws 1893 p.419 § 16, 20).

#### Rules for marking

To vote a straight party ticket, the voter is to place a cross mark in one of the party squares. To vote a split ticket, he must not

mark any of the party squares but must place cross marks only in the voting squares opposite the names of individual candidates. To vote for all the candidates for presidential electors of any one party, he is to place a cross mark in the square opposite the party name above such list of candidates. To vote for a person whose name is not printed on the ballot, the voter is to write such person's name in one of the blank spaces provided for the purpose. To vote on a constitutional amendment or other question, the voter is to place a cross mark in the voting square opposite the answer which he desires to give. Where a voter is entitled by law to cast more than one vote for a single candidate, he is to place in the appropriate voting square not a cross mark but a number to indicate the number of votes to be counted for the candidate so marked. (Digest § 178-82; Laws 1893 p.419 § 22, 1903 p.338 § 3).

#### RHODE ISLAND Constitutional provisions

"The voting for governor, lieutenant-governor, secretary of state, attorney general, general treasurer and representative to congress shall be by ballot; senators and representatives to the general assembly, and town or city officers shall be chosen by ballot, on demand of any seven persons entitled to vote for the same; and in all cases where any election is made by ballot or paper vote, the manner of balloting shall be the same as is now required in voting for general officers, until otherwise prescribed by law" (Const. 1842 art.8 § 2).

##### Procedure by which names of candidates are placed on the ballot

- 1 By *certificate of nomination* signed by the presiding officer and by the secretary or clerk of any convention of delegates or caucus representing a political party which at the preceding election polled at least 2% of the entire vote in the state for governor (G. L. ch.11 § 4 (as amended by Pub. Laws 1910 ch.640 § 7), 5, 6, 17; Pub. Laws 1902 ch.1059 § 1).
- 2 By *certificate of nomination* filed by the warden of a caucus representing a party which at the preceding election polled 2% of the total vote for governor (in the case of candidates nominated directly by caucus in the cities of Providence, Newport and Pawtucket). (G. L. ch.12 § 1 (as amended by Pub. Laws 1910 ch.640 § 23), 15; Pub. Laws 1902 ch.1078 § 1, 15).
- 3 By *nomination papers* signed by qualified voters to the number of
  - (a) for offices to be filled by the voters of the state at large,

- (b) for offices to be filled by the voters of a congressional district, 250
- (c) for the office of state senator in any city and for municipal offices to be filled by the voters of any city at large, 100
- (d) for the office of state senator in any town; or for the office of member of the house of representatives; or for municipal offices to be filled by the voters of any town at large; or for offices to be filled by the voters of any representative district, ward or voting district in any city or town, 50

(G. L. ch.11 § 9, 10, 13 (as amended by Pub. Laws 1910 ch.640 § 8, 9, 10), 8, 11, 12; Pub. Laws 1902 ch.1059).

*Filed with* the secretary of state, or the clerk of a city or town but in the city of Pawtucket, with the board of canvassers and registration (G. L. ch.11 § 21 as amended by Pub. Laws 1910 ch.640 § 15).

#### Form of ballot

- 1 *Official*; printed and distributed at public expense by the secretary of state and the clerks of the several cities and towns; in Pawtucket by the board of canvassers and registration (G. L. ch.11 § 1-3, 28, 31-33; Pub. Laws 1905 ch.1229); obtainable by the voters only on election day, at the polls and from the election officers (G. L. ch.11 § 42, 46, 49; Pub. Laws 1905 ch.1229).
- 2 *Blanket* (G. L. ch.11 § 24; Pub. Laws 1905 ch.1229).
- 3 *Party column*; emblems; the column of the Republican party printed first at the left of the ballot, that of the Democratic party next; the order of the other columns left to the officer printing the ballots. Addresses of candidates printed after their names. (G. L. ch.11 § 24; Pub. Laws 1905 ch.1229).
- 4 Special circles for voting a straight party ticket (same reference).
- 5 Blank column at the right of the ballot for writing in names (same reference).
- 6 No limitation as to the number of times a candidate's name may appear on the ballot.
- 7 No provision for detachable stubs, or for any system of numbering or initialing the ballots. The name of each voter is merely checked off on the voting list by a clerk as he deposits his ballot in the ballot-box. (G. L. ch.11 § 42-43; Pub. Laws 1905 ch.1229).

- 8 On the back, or outside, of the ballot are printed the words "official ballot for," followed by the designation of the polling place, the date of the election and a facsimile of the signature of the officer who had the ballots printed (G. L. ch.11 § 24; Pub. Laws 1905 ch.1229).
- 9 No provision for separate ballots for any local or other officers voted for at general elections except that there are separate ballots on colored paper, marked "council," for voters in cities who are entitled to vote only for members of the common council. Constitutional amendments and other questions submitted are printed on the general ballot in full (G. L. ch.11 § 24; Pub. Laws 1905 ch.1229; letter from the secretary of state).
- 10 Specimen ballots, on different colored paper and without the facsimile indorsement, are to be furnished; ten for each polling place; five to be posted in each polling place (G. L. ch.11 § 29, 32; Pub. Laws 1905 ch.1229).

#### **Rules for marking**

To vote a straight party ticket the voter is to place a cross mark in one of the party circles. To vote a split ticket he is to place a cross mark in one of the party circles and other cross marks in the voting squares opposite the names of individual candidates of other parties, erasing at the same time the names of the corresponding candidates of the party whose party circle he has marked; or he may omit to mark any of the party circles and mark only the squares opposite the names of the individual candidates for whom he wishes to vote; or he may write in the blank column the names of persons whose names are not printed on the ballot. All the presidential electors of any one party may be voted for by a single cross mark. To vote on a constitutional amendment or other question the voter is to place a cross mark in the square opposite the answer which he desires to give. (G. L. ch.11 § 43; Pub. Laws 1905 ch. 1229).

#### **SOUTH CAROLINA**

##### **Constitutional provisions**

"All elections by the people shall be by ballot, and elections shall never be held or the ballots counted in secret" (Const. 1895 art.2 § 1).

##### **Procedure by which names of candidates are placed on the ballot**

There is no provision as to the procedure by which names of candidates are to be given a place on the official ballots, since there

are no official ballots. This matter is left entirely to the several party organizations or groups of voters by whom the candidates are nominated.

#### Form of ballot

The ballots are non-official and are separate for each party. Each party organization or group of voters prepares and distributes its own ballots, subject only to the following statutory provisions:

“§ 210 The voting shall be by ballot, which ballot shall be of plain white paper, two and a half inches wide by five inches long, clear and even cut, without ornament, designation, mutilation, symbol or mark of any kind whatsoever except the name or names of the person or persons voted for and the office to which such person or persons are intended to be chosen, which name or names, office or offices, shall be written or printed, or partly written, or partly printed thereon in black ink; and such ballot shall be so folded as to conceal the name or names thereon, and, so folded shall be deposited in a box to be constructed, kept and disposed of as hereafter provided, and no ballot of any other description found in any election box shall be counted.

“§ 211 There shall be separate and distinct ballots for the following officers, to wit: (1) governor and lieutenant-governor; (2) other state officers; (3) circuit solicitor; (4) state senator; (5) members of the house of representatives; (6) county officers; (7) representatives in Congress; (8) presidential electors; on which shall be the name or names of the person or persons voted for as such officers, respectively, and the office for which they are voted. Whenever the vote is to be taken on any special question or questions a box shall be provided, properly labeled for that purpose, and the ballots therefor on such question or questions shall be deposited therein.

“§ 214 Each clerk of the poll shall keep a poll-list, which shall contain one column headed “Names of Voters,” and the name of each elector voting shall be entered by the clerk in such column.” (Code tit.2 ch.10 art.1 § 210-11, 214; Laws 1896 p.29 § 6-7, 10).

#### Rules for marking

There are no rules for marking other than the implied rules contained in the sections quoted in the previous division. There is no provision for voting booths. The voters prepare their ballots for voting elsewhere, and merely bring them to the polling places to be deposited. (Code tit.2 ch.10 art.1 § 212; Laws 1896 p.29 § 8).

**SOUTH DAKOTA**  
**Constitutional provisions**

"All votes shall be by ballot, but the legislature may provide for numbering ballots for the purpose of preventing and detecting fraud" (Const. 1889 art.7 § 3).

**Procedure by which names of candidates are placed on the ballot**

- 1 On statements of *canvass of direct primary elections* made by county canvassing boards and forwarded by the county auditors (in the case of state and district officers) to the secretary of state; and statement of canvass made by the state canvassing board and filed with the secretary of state (Laws 1909 ch. 297 § 58-60).
- 2 (In the case of offices to which the direct primary law of 1909 does not apply) by *certificate of nomination* filed by the presiding officer and secretary of a nominating convention or primary meeting representing a political party or principle (P. C. ch.19 § 1899-1900; Laws 1897 ch.60 § 2-3).
- 3 By *certificate of nomination* signed by electors residing in the district for which the nomination is made, to the number of
  - (a) for an office to be filled by the voters of the entire state, 200
  - (b) for an office to be filled by the voters of a county, district or other division less than the entire state, 20
  - (c) for an office to be filled by the voters of a township, precinct or ward, 5
 (P. C. ch.19 § 1902; Laws 1897 ch.60 § 5).
- 4 (In the case of any city of the first, second or third class which has adopted the commission form of government) by *petition* signed by 15 electors for each 1000 or major fraction thereof of the population (but the number must not be less than 25 and need not be more than 150) *filed with* the city auditor (Laws 1907 ch.86 § 107).

Certificates of nomination (2 and 3) *filed with* the secretary of state, a county auditor or the clerk of a municipality (P. C. ch.19 § 1901; Laws 1897 ch.60 § 4).

**Form of ballot**

- 1 *Official*; printed and distributed at public expense by county auditors and clerks of cities, towns and villages (P. C. ch.19 § 1885-90; Laws 1897 ch.60 § 1, 13, 17) obtainable by the

voters only on election day, at the polling places and from the election officers (P. C. ch.19 § 1876, 1920, 1923; Laws 1897 ch.60 § 24, 31, 39).

- 2 *Blanket* (P. C. ch.19 § 1886; Laws 1897 ch.60 § 13).
- 3 *Party column*; no emblems; columns arranged from left to right according to the size of the party vote for governor at the last preceding election, the party which polled the largest vote being placed first and so on (P. C. ch.19 § 1892; Laws 1901 ch.119 § 1, 1909 ch.144).
- 4 Special circles for voting a straight party ticket (P. C. ch.19 § 1892, 1916; Laws 1901 ch.119 § 1, 1909 ch.144, 1899 ch.81 § 2).
- 5 No provision for any blank column or blank spaces for writing in names.
- 6 No candidate's name is to be printed in more than one column on the ballot, but a candidate nominated by two or more parties may choose in which column his name shall be placed. If he fails to do so, it is to be printed in the column of the party which first filed a certificate of his nomination. (P. C. ch.19 § 1892).
- 7 No provision for detachable stubs, or for any system of numbering the ballots, although the legislature is constitutionally authorized to provide for the latter. The clerks keep poll-lists, however, on which the names of all the voters are entered in numerical order as they vote. (P. C. ch.19 § 1878; Dakota P. C. 1877 ch.27 § 19).
- 8 No provision for any printed indorsement on the back, or outside, of the ballot; but before each ballot is handed to a voter the ballot clerk stamps on the back with a rubber stamp the words "official ballot," the name and number of the election precinct, the name of the county and the date of the election (P. C. ch.19 § 1876, 1893; Laws 1897 ch.60 § 20, 24).
- 9 Special ballots of the office group form, but without party designations of any sort, for city officers in cities of the first, second or third class which have adopted the commission form of government. Separate ballots of the same form for school directors. (Laws 1907 ch.86 § 108). Constitutional amendments printed on one separate ballot, in full (letter from sec. of state) and questions submitted, on another. Local and municipal questions are each printed on separate ballots. (P. C. ch.19 § 1892, 1911; Laws 1901 ch.119 § 1, 1909 ch.144, 1897 ch.60 § 27, 1899 ch.80 § 1, 1909 ch.43).

10 Sample ballots, on different colored paper from the official ballots, to be posted, one in each voting booth and three elsewhere in each polling place (P. C. ch.19 § 1886, 1894; Laws 1897 ch.60 § 13, 34).

#### **Rules for marking**

To vote a straight party ticket, the voter is to place a cross mark in one of the party circles. To vote a split ticket, he may mark one of the party circles and also mark one or more of the voting circles opposite the names of individual candidates of other parties; or he may omit to mark any of the party circles, and place cross marks only in the voting circles opposite the names of the candidates for whom he wishes to vote. When two or more candidates are to be chosen for any one office, the voter, to split his ticket for such office, must place a cross mark opposite the name of each individual candidate for whom he wishes to vote. There is no method expressly provided for voting for any person whose name is not printed on the ballot. (P. C. ch.19 § 1914-15; Laws 1901 ch.117 § 1, 1899 ch.81 § 1).

#### **TENNESSEE**

##### **Constitutional provisions**

"In all elections to be made by the general assembly, the members thereof shall vote *viva voce* and their votes shall be entered on the journal. All other elections shall be by ballot." (Const. 1870 art.4 § 4).

##### **Procedure by which names of candidates are placed on the ballot**

In those parts of the state to which the Australian ballot law applies<sup>1</sup>

- 1 On *canvass*, by a county executive committee or district committee of any party which at the general election next preceding cast more than 10% of the entire vote in the state, or by the state board of primary election commissioners of the returns of *direct primary elections*, and announcement of the successful candidates for nomination (Laws 1909 ch.102 § 37-38).
- 2 (In the case of those offices and parties to which the direct primary law of 1909 does not apply) upon *written request*

<sup>1</sup> The Australian ballot law applies only to counties of over 50,000 inhabitants, and to towns or cities of over 2500 inhabitants, according to the federal census of 1890 or any later census; also to Henderson, Montgomery and Maury counties. These portions of the state to which the law applies include about one-seventh of the total number of election districts.

of any candidate nominated by any caucus, convention, mass meeting or other assembly of any political party, or upon the written request of any qualified voter who will affirm that he was a member of said caucus, convention, mass meeting or other assembly, and that the name presented by him was the nominee of said caucus, convention, mass meeting or other assembly (Code § 1233; Laws 1890 ch.24 § 3).

- 3 On *written petition* signed by at least fifteen citizens qualified to vote in the election to fill the office in question (Code § 1234; Laws 1890 ch.24 § 3).

Requests (2) and petitions (3) *filed with* the chairman of the board of commissioners of elections of each county to which the Australian ballot law applies (Code § 1233-34).

In those parts of the state to which the Australian ballot law does not apply there is no provision as to the method by which the names of candidates are to be given a place on the official ballots, since there are no official ballots. This matter is left entirely to the several party organizations or individuals by whom the ballots are printed.

#### Form of ballot

In those parts of the state to which the Australian ballot law applies

- 1 *Official*; printed and distributed at public expense by the county boards of commissioners of elections (Code § 1231, 1242; Laws 1890 ch.24 § 1, 9); obtainable by the voters only on election day, at the polling places and from the election officers (Code § 1246, 1255; Laws 1890 ch.24 § 13, 17).
- 2 *Blanket* (Code § 1238; Laws 1890 ch.24 § 5).
- 3 *Office group*; names of candidates arranged under each office in alphabetical order according to surnames, irrespective of party. Examination of the ballots shows that they contain no party designations of any sort. (Code § 1238).
- 4 No special method provided for voting a straight party ticket.
- 5 At least one blank space after each office group for writing in names, in case any candidate is nominated too late to have his name printed on the official ballots (Code § 1235, 1248; Laws 1890 ch.24 § 3, 14).
- 6 No limitation as to the number of times a candidate's name may appear on the ballot.
- 7 Each ballot provided with a detachable stub on which is printed the word "No. . . ." This stub is numbered before the

voter receives his ballot, and the same number is placed on the voter's certificate of registration, which he must present at this time. After marking his ballot, the voter again presents his certificate of registration, together with his ballot, and if the numbers on the ballot stub and the certificate correspond, the stub is torn off and destroyed, the voter's name checked off on the registration-list, and his ballot deposited in the ballot-box. (Code § 1217-18, 1239, 1247, 1249-50; Laws 1890 ch.24 § 6, 14, ch.25 § 17; 1895 ex. sess. ch.3 § 7).

- 8 On the back, or outside, of the ballot are printed the words "Official ballot for" followed by the designation of the polling place, the date of the election and a facsimile of the signature of the officer, or officers, charged with the printing of the ballots (Code § 1238).
- 9 No provision for separate ballots for any local or other officers voted for at general elections. Constitutional amendments and other questions submitted are printed in full on the general ballot. (Code § 1238, and examination of the ballots themselves).
- 10 No provision for the printing, distribution or posting of sample ballots.

In those parts of the state to which the Australian ballot law does not apply there is no provision for official ballots, publicly printed and distributed. The ballots are printed and distributed by the several party organizations, or by individuals, subject only to the provision that they shall be 3 in. by 7 in. in size, of plain white paper, with the names of the offices and candidates plainly written or printed on them, and that they shall not deviate from the prescribed dimensions more than  $\frac{1}{8}$  of an inch in length or  $\frac{1}{16}$  of an inch in width (Code § 1259; Laws 1891 ex. sess. ch.21 § 1, 1893 ch.101); also that "it shall not be lawful to print or place any picture, sign, color, mark, index or insignia thereon. No other sort of ballot must be offered to a voter by any one, nor shall any other sort be received." (Code § 1260-62; Laws 1891 ex. sess. ch.21 § 2-5).

#### Rules for marking

In those parts of the state to which the Australian ballot law applies, to vote a straight party ticket or a split ticket, the voter is to place a cross mark opposite the name of every candidate for whom he wishes to vote, or to write in the name of the person for whom he wishes to vote in one of the blank spaces provided for the purpose. To vote on a constitutional amendment or other ques-

tion submitted, the voter is to place a cross mark opposite the answer which he wishes to give. (Code § 1248; Laws 1890 ch.24 § 14). A candidate nominated too late to have his name printed on the ballots may have small pasters printed with his name on them, and may furnish them to the election officers to be distributed to the voters. A voter may use one of these pasters as a guide in marking his ballot, or if he can not write, may paste it on the ballot in the appropriate blank space. (Code § 1235-36; Laws 1890 ch.24 § 3).

In those parts of the state to which the Australian ballot law does not apply there are no rules for marking provided, except those quoted in the previous division. No voting booths provided for. Ballots are marked elsewhere and merely brought to the polling places and deposited.

## TEXAS<sup>1</sup>

### Constitutional provisions

"In all elections by the people the vote shall be by ballot, and the legislature shall provide for the numbering of tickets and make such other regulations as may be necessary to detect and punish fraud and preserve the purity of the ballot box . . ." (Const. 1875 art.6 § 4, as amended Sept. 22, 1891).

### Procedure by which names of candidates are placed on the ballot

- 1 By *certificate of nomination* signed by the chairman and secretary of the state convention of any organized party which, at the last general election, cast 100,000 votes or more, after a canvass by such state convention of the returns of direct primary elections for state and district officers; or by the chairman of the county executive committee of any such party on canvass of the returns of direct primary elections for local officers (T. L. § 52, 117-20, 131).
- 2 By *certificate of nomination* signed by the chairman of the state, district or county nominating convention of any political party which at the last general election polled not less than 10,000 and not more than 100,000 votes for governor (T. L. § 99). (Such parties may also nominate by means of direct primaries, but this method is only mandatory for parties which at the last election polled 100,000 votes or over.)

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<sup>1</sup> The abbreviation "T. L." as used in the references refers to the "Terrell Law"; 1905, first called sess.; p. 520. To be found in Herron's 1906 supplement to Sayles's Annotated and Revised Civil Statutes, title 36, p. 161-223.

3 By *certificate of nomination* signed by the chairman of a county committee of any party not having a state organization and wishing to nominate candidates for county and precinct offices only, provided a written application to print such candidates' names in a separate column on the ballot shall have been made to the county judge and signed and sworn to by voters to a number equivalent to 3% of the entire vote cast in the county at the last election (T. L. § 100).

*Filed with* the secretary of state or a county clerk (T. L. § 99-100, 120, 131).

4 By *written application* to the secretary of state (in the case of non-partisan or independent candidates) signed by qualified voters to the number of

- (a) for an office to be voted for throughout the entire state, 1% of the entire vote of the state cast at the last preceding general election
- (b) for a congressional, supreme judicial, senatorial, representative, floritorial or judicial district office, 3% of the entire vote cast in any such district at the last preceding general election, provided that the number need not exceed 500
- (c) for a county, city or town office, 5% of the entire vote cast in such county, city or town at the last preceding general election

(T. L. § 94-98).

*Filed with* the secretary of state, a county judge or the mayor of a city or town (T. L. § 94, 98).

#### Form of ballot

- 1 *Official*; printed and distributed at public expense by the county board of elections of each county (T. L. § 38-39, 44-46); obtainable by the voters only on election day, at the polling places and from the election officers (T. L. § 46, 72, 78, 159).
- 2 *Blanket* (T. L. § 46).
- 3 *Party column*; no emblems; no provision as to the order of the columns (T. L. § 46, 53).
- 4 Special provision for voting a straight party ticket by merely erasing, with a pencil line drawn through it, each of the tickets for which a voter does not wish to vote (T. L. § 53).
- 5 A blank column for writing in names (T. L. § 53).

- 6 "The name of no candidate shall appear more than once upon the official ballot, except as a candidate for two or more offices permitted by the constitution to be held by the same person. The name of a candidate nominated by any political party shall appear on the ballot only under the head of the party making such nomination." No provision, in the case of a candidate nominated by two or more parties, as to which column his name shall be printed in. (T. L. § 49).
- 7 No provision for detachable stubs. The presiding judge is to write his signature on the back of each ballot before its delivery to a voter. When the voter returns it to be deposited in the ballot-box, if the judges are sure it is the identical ballot which the voter received from them, they are to write on the back of it, the number opposite the voter's name on the voting-list, write opposite the voter's name on said list the word "voted," and deposit the ballot in the ballot-box. (T. L. § 72, 74).
- 8 No provision for any printed indorsement on the back, or outside, of the ballot.
- 9 No provision for separate ballots for any local, or other, officers voted for at general elections. Constitutional amendments and other questions submitted are printed on the general ballot in such form as may be prescribed by the legislature, or (in the case of constitutional amendments) by the governor in his proclamation, "in such terms as to give the voter a clear idea of the scope and character of the amendment"; local propositions are to be printed in such form as the authorities submitting them may prescribe. (T. L. § 53-54).
- 10 Sample ballots are incidentally referred to (T. L. § 55), but there is no express provision for their printing, distribution or posting.

#### Rules for marking

To vote a straight party ticket, the voter is to draw a line from top to bottom through each of the tickets which he does not wish to vote, leaving the party ticket which he does wish to vote unscratched. To vote a split ticket, he is to erase the names of all the candidates for whom he does not wish to vote leaving the names of all the candidates for whom he does wish to vote unscratched, or, if they are not printed on the ballot, writing such names in the proper spaces in the blank column. In marking his ballot, the voter must not use for his assistance any marked ballot or other memorandum. (T. L. § 53, 70).

## UTAH

**Constitutional provisions**

"All elections shall be by secret ballot. Nothing in this section shall be construed to prevent the use of any machine or mechanical contrivance for the purpose of receiving and registering the votes cast at any election. Provided, that secrecy in voting be preserved." (Const. 1896 art.4 § 8).

**Procedure by which names of candidates are placed on the ballot**

On *certificate of nomination* signed by

- 1 The presiding officer and secretary of a nominating convention of any political party which at the last preceding election polled at least 2% of the entire vote cast in the state, county or other political division for which the nomination is made (C. L. § 822-23; Laws 1896 ch.69 § 3-4, 1897 ch.50 art.3 § 1-2).
- 2 Voters, resident in the district for which the nomination is made, to the number of
  - (a) for an office to be filled by the voters of an entire state, 500
  - (b) for an office to be filled by the voters of a district or county, 100
  - (c) for an office to be filled by the voters of a precinct, town, city or any other division less than a county, 50
 (C. L. § 825; Laws 1896 ch.69 § 6, 1897 ch.50 art.3 § 4).

*Filed with* the secretary of state, a county clerk, or the clerk of a city or town (C. L. § 824; Laws 1896 ch.69 § 5, 1897 ch.50 art.3 § 3).

**Form of ballot**

- 1 *Official*; printed and distributed at public expense by the several county clerks, and the recorders or clerks of cities and towns (C. L. § 836, 841-42; Laws 1896 ch.69 § 1, 17, 21, 1897 ch.50 art.4 § 1, 6-7); obtainable by the voters only on election day, at the polling places and from the election officers (C. L. § 846, 852, 909; Laws 1896 ch.69 § 25, 29, 37, 1897 ch.50 art.4 § 11, 17, art.8 § 18).
- 2 *Blanket* (C. L. § 836, 839; Laws 1896 ch.69 § 17-18, 1897 ch.50 art.4 § 1, 4).
- 3 *Party column*; emblems; the order in which the several columns are to be printed is left to the officers charged with the printing of the ballots (C. L. § 839).

- 4 Party circles for voting a straight party ticket (C. L. § 839).
- 5 A blank column at the right of the ballot for writing in names (C. L. § 839).
- 6 No limitation as to the number of times a candidate's name may appear on the ballot.
- 7 Each ballot provided with a detachable stub, and these stubs are to be numbered consecutively. One of the judges, before delivering each ballot to a voter, signs his initials on the stub, and writes the number on the stub opposite the name of the voter on the registry-list. When the voter returns his ballot to be deposited in the ballot-box, the number on the stub is compared with that opposite the voter's name on the registry-list, and if they correspond, the stub is detached, the ballot is deposited in the ballot-box, and the voter's name is written on the poll-list. (C. L. § 846, 849; Laws 1896 ch.69 § 25-26, 1897 ch.50 art.4 § 11, 14).
- 8 On the back, or outside, of the ballot are printed the words "official ballot for," followed by the designation of the election district, the date of the election and a facsimile of the signature of the officer who caused the ballots to be printed (C. L. § 839).
- 9 No provision for separate ballots for any local or other officers voted for at general elections. Constitutional amendments and other questions submitted are printed on the general ballot (C. L. § 839) by a ballot title designated by the secretary of state and covering the subject-matter of the amendment or question. (C. L. § 835; Laws 1896 ch.69 § 16, 1897 ch.50 art.3 § 14, 1899 ch.80 § 1).
- 10 Sample ballots, on paper of a different color from that of the official ballots, are to be prepared and ready seven days before the election, and open to public inspection. They are also to be posted in the several polling-places. (C. L. § 837; Laws 1896 ch.69 § 17, 1897 ch.50 art.4 § 2).

#### **Rules for marking**

To vote a straight party ticket, the voter is to place a cross mark in one of the party circles, or in the voting squares opposite the names of all the candidates of his party, or both. To vote a split ticket, he is to place a cross mark in one of the party circles, erase one or more names in the party column below such circle, and place cross marks in the voting squares opposite the names of the corre-

sponding candidates in other columns; or he may omit to mark any party circle and place cross marks only opposite the names of the individual candidates for whom he wishes to vote; or, to vote for any person whose name is not printed on the ballot, he may write in the name of such person in the proper space in the blank column. To vote on a constitutional amendment or other question, he is to place a cross mark in the voting square opposite the answer which he desires to give. (C. L. § 847; Laws 1896 ch.69 § 26, 1897 ch.60 art.4 § 11-12).

## VERMONT<sup>1</sup>

### **Constitutional provisions**

"The House of Representatives of the Freemen of this state shall consist of persons most noted for wisdom and virtue, to be chosen by ballot . . .

"The Supreme Executive Council of this state shall consist of a governor, lieutenant-governor, and twelve persons chosen in the following manner, viz, the freemen of each town shall, on the day of election for choosing representatives to attend the general assembly, bring in their votes for governor, with his name fairly written, to the constable . . . The lieutenant-governor and treasurer shall be chosen in the manner above directed. And each freeman shall give in twelve votes for twelve councilors, in the same manner . . .

"The freemen of the several towns in each county shall annually give their votes for the senators apportioned to such county, at the same time and under the same regulations, as are now provided for the election of councilors.

"All the officers named in the preceding articles of amendment (assistant judges of the county court, sheriffs, high bailiffs, state's attorneys, judges of probate and justices of the peace) shall be annually elected by ballot.

"The election of the several officers mentioned in the preceding articles, excepting town representatives, shall be made at the times and in the manner now directed in the constitution for the choice of senators." (Const. 1793 ch.2 § 8, 10; Amendments art.5 [Jan. 1836], 19-20 [Jan. 1850]).

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<sup>1</sup> The Australian ballot law does not apply to annual or special elections of town or village officers in towns or villages of 3000 inhabitants or under; or in towns or villages of over 3000 and not over 8000, unless expressly adopted at a town or village meeting (P. S. § 182; Laws 1892 no. 1 § 32; 1894 no. 3; Vt. S. 1895 § 131; Laws 1906 no. 5 § 1).

**Procedure by which names of candidates are placed on the ballot**

By *certificate of nomination*, signed by

- 1 The presiding officer and secretary of any convention of organized delegates or voters representing a political party which polled at least 1% of the entire vote at the preceding general election in the state or in the division thereof for which the nomination is made (P. S. § 91-92; Laws 1890 no.9 § 4-5, 1892 no.1 § 4-5; Vt. S. 1895 § 82-83).
- 2 Voters resident in the state, or in the district for which the nomination is made to the number of at least 1% of the entire vote in the state or in such district at the preceding general election (P. S. § 93; Laws 1890 no.9 § 7, 1892 no.1 § 7; Vt. S. 1895 § 84).

*Filed with the secretary of state, or a county, town or village clerk (P. S. § 96; Laws 1890 no.9 § 6, 1892 no.1 § 6; Vt. S. 1895 § 87).*

**Form of ballot**

- 1 *Official*; printed and distributed at public expense by county, town and village clerks (P. S. § 131, 145; Laws 1890 no.9 § 2-3, 22, 1892 no.1 § 2-3, 22; Vt. S. 1895 § 95, 107); obtainable by the voters only on election day, at the polling places and from the election officers (P. S. § 176, 181; Laws 1890 no.9 § 26, 30, 1892 no.1 § 26, 30; Vt. S. 1895 § 125, 130; Laws 1902 no.4 § 1).
- 2 *Blanket* (P. S. § 134; Vt. S. 1894 § 99; Vt. S. 1895 § 98; Revision 1906 § 121).
- 3 *Party column*; no emblems; the law expressly prescribes that the columns are to be arranged in the following order, from left to right: Republican, Democratic, Prohibition; the order of the remaining columns, if any, to be determined by the clerk who causes the ballots to be printed (P. S. § 136; Laws 1890 no.9 § 18, 1892 no.1 § 16-18; Vt. S. 1895 § 99; Laws 1904 no.4 § 1, 1906 no.3 § 1).
- 4 Special squares for voting a straight party ticket (P. S. § 136).
- 5 A blank space under each office for writing in a name (P. S. § 139; Laws 1890 no.9 § 18, 1892 no.1 § 18; Vt. S. 1895 § 101).
- 6 A candidate nominated by more than one party or independent group may choose on which "party ticket or tickets" his name shall be printed, and if he notifies the officer printing the ballots of his choice his name shall be placed only on the

ticket or tickets which he selects (P. S. § 135; Laws 1904 no.3 § 1).

7 No provision for detachable stubs or for any system of numbering the ballots. The name of each voter is merely checked off on the "check-list" as he receives his ballot or ballots, and again when he returns it, or them, to be deposited in the ballot-box. (P. S. § 176, 179; Laws 1890 no.9 § 27, 1892 no.1 § 27; Vt. S. 1895 § 125, 128).

8 On the back, or outside, of the ballot are printed the words "official ballot," followed by the name of the town, ward or village where the ballot is to be used, the date of the election and a facsimile of the signature of the clerk who caused the ballots to be printed (P. S. § 140; Laws 1890 no.9 § 18, 1892 no.1 § 18; Vt. S. 1895 § 102; Laws 1900 no.3 § 1).

9 Five separate ballots for different officers, or groups of officers (not all voted for at the same election), as follows: (P. S. § 134) (1) state, district and county officers, except justices of the peace; (2) presidential electors; (3) town representatives to the general assembly; this ballot has no party squares (Laws 1904 no.4); (4) justices of the peace; this ballot is printed on red paper (Laws 1902 no.2); (5) city, town or village offices; this ballot is of the "office group" form, the names of candidates being arranged in alphabetical order according to surnames (Laws 1906 no.3 § 2). Constitutional amendments and other questions submitted are printed "upon the ballots below the lists of candidates" in a form certified by the secretary of state to the clerks charged with printing the ballots (P. S. § 138; Laws 1890 no.9 § 14, 1892 no.1 § 14, 18; Vt. S. 1895 § 100).

10 Sample ballots to be printed on tinted paper, and posted at least five in each polling place (P. S. § 142; Laws 1890 no.9 § 17, 1892 no.1 § 17; Vt. S. 1895 § 104).

#### Rules for marking

To vote a straight party ticket the voter is to place a cross mark in one of the party squares. To vote a split ticket he is to place a cross mark in the voting square opposite the name of each individual candidate for whom he wishes to vote, or by writing the name of the person for whom he wishes to vote in the blank column and making a cross opposite thereto. (These are the only methods mentioned.) To vote on a constitutional amendment or other ques-

tion submitted the voter is to place a cross mark opposite the answer which he desires to give. (P. S. § 177; Laws 1890 no.9 § 27, 1892 no.1 § 27; Vt. S. 1895 § 126).

### VIRGINIA Constitutional provisions

"All elections by the people shall be by ballot . . . So far as consistent with the provisions of this constitution, the absolute secrecy of the ballot shall be maintained.

"The general assembly shall provide for ballots without any distinguishing mark or symbol, for use in all state, county, city and other elections by the people, and the form thereof shall be the same in all places where any such election is held. All ballots shall contain the names of the candidates, and of the offices to be filled, in clear print and in due and orderly succession; but any voter may erase any name and insert another. . . .

"The general assembly may provide for the use, throughout the state or in any one or more counties, cities, or towns in any election, of machines for receiving, recording, and counting the votes cast thereat: Provided, that the secrecy of the voting be not thereby impaired" (Const. 1902 art.2 § 27, 28, 37).

#### **Procedure by which names of candidates are placed on the ballot**

On *announcement of candidacy* filed by the candidate himself, in a written statement, attested by two witnesses, and signed by the candidate. *Filed with* the secretary of the commonwealth, or a county or city clerk. (Code § 122a; Laws 1894 ch.746 § 4, 1896 ch.700 § 5, 1904 ex sess. ch.587 § 1 p.927).

In the case of candidates for the office of presidential elector, the names of the candidates are furnished to the secretary of the commonwealth "by any person or persons representing" the political parties which have nominated the said candidates (Code § 122c; Laws 1896 ch.700 § 8, 1904 ex. sess. ch.587 § 1 p.928).

#### **Form of ballot**

- 1 *Official*; printed and distributed by the electoral boards of the several counties and cities of the state, at public expense (Code § 122b, 122d, 122e; Laws 1894 ch. 746 § 5, 7, 8, 1896, ch. 700 § 6, 9, 10, 1898 ch.831 § 2, 1904 ex. sess. ch.587 § 1 p.927, 929, 930); obtainable by voters only from the election officers,

at the polling places, on election day (Code § 122h, 122i; Laws 1894 ch.746 § 11, 12, 1896 ch.700 § 13, 14, 1900 ch.877 § 1, 1904 ex. sess. ch.587 § 1 p.930-31).

- 2 *Blanket* (Code § 122; Laws 1894 ch.746 § 3, 1896 ch.700 § 4, 1904 ex. sess. ch.587 § 1 p.927).
- 3 *Office group*; names of candidates arranged under the title of each office "in due and orderly succession," no special method of arrangement provided. Nothing as to the order of the several offices. Ballot to contain "no distinguishing mark or symbol"; this is interpreted as preventing the names of parties from being printed. (Code § 122b; Laws 1894 ch.746 § 5, 1896 ch.700 § 6, 1904 ex. sess. ch.587 § 1 p.927).
- 4 No special provision for voting a straight party ticket.
- 5 No special provision for blank spaces for writing in names.
- 6 No limitation as to the number of times a candidate's name may appear on the ballot.
- 7 No detachable stubs or system of numbering or initialing the ballots, but the name of each voter is checked off on the registration book, and numbered, as he deposits his ballot (Code § 125; Laws 1872 ch.364, 1890 ch.236 § 1, 1904 ex. sess. ch.11 § 1, ch.587 § 1 p.933). On the back of each ballot is also affixed the seal of the electoral board which has had the ballots printed. This is done by said board before the ballots are distributed to the several polling places. (Code § 122d, 122h).
- 8 No provision for any printed indorsement on the back, or outside, of the ballot.
- 9 No provision for separate ballots for any local or other officers voted for at general elections. No provision in regard to the form of ballot to be used in voting on constitutional amendments and other questions submitted.
- 10 No provision for the printing, distribution or posting of sample ballots.

#### **Rules for marking**

The voter is to draw a line through the name of every candidate for whom he does *not* wish to vote, leaving the names of all candidates for whom he *does* wish to vote unscratched. No name is to be considered scratched unless the mark extends through three-fourths of the length of said name. The voter may also erase the name of any candidate and substitute in writing the name of any other person for whom he wishes to vote for the office in

question. No voting squares opposite the names of the candidates are provided for. (Code § 122h; cf. also Const. art.2 § 28).

### WASHINGTON

#### Constitutional provisions

"All elections shall be by ballot. The legislature shall provide for such method of voting as shall secure to every elector absolute secrecy in preparing and depositing his ballot." (Const. 1889 art. 6 § 6).

#### **Procedure by which names of candidates are placed on the ballot**

By *certificate of nomination* signed by

- 1 The canvassing boards of a direct primary election of any political party which at the last preceding general or city election cast for any of its nominees 10% of the total vote cast in the state or in the subdivision thereof for which the nomination is made (C. & S. § 4809, 4828; Laws 1907 ch.209 § 6, 24).
- 2 (In the case of parties which at the last general or city election failed to poll for any of their nominees as much as 10% of the total vote cast, and of offices to which the direct primary law of 1909 does not apply) the presiding officer and secretary of a nominating convention, or one of the judges and the clerk of a primary meeting (C. & S. § 4794-95, 4830, 4842; Laws 1890 p.400 § 2-3, 1907 ch.209 § 26, 38, 1909 ch.82 § 11).
- 3 Electors, residing within the district for which the nomination is made, to the number of
  - (a) for an office to be filled by the voters of the whole state, 1000
  - (b) for an office to be filled by the voters of a county, district or other division less than the entire state, 300
  - (c) for an office to be filled by the voters of a township, precinct or ward, 25

(Laws 1890 p.401 § 5 as amended by 1895 ch.156 § 3).<sup>1</sup>

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<sup>1</sup> It is not altogether clear whether these provisions for independent nominations by petition were or were not repealed, as to offices other than those of judges of the supreme court and the superior court, by the direct primary law of 1907. As to the judicial offices above mentioned it was held in the case of State ex rel. Zent vs. Nichols (50 Wash. 508, 525) that the earlier provisions as to nominations by petition were so repealed. Mr Arthur Remington, the reporter of the supreme court, has omitted them entirely from the 1910 edition of Remington and Ballinger's Codes and Statutes of Washington. It is probable that they have been repealed as to all offices (Cf. C. & S. § 4805) but as this is not absolutely clear it has been thought best to include them here with this explanation.

*Filed with the secretary of state, the clerks of the boards of county commissioners, or the clerks of municipal corporations (C. & S. § 4796; Laws 1890 p.401 § 4).*

#### Form of ballot

- 1 *Official*; prepared and distributed by the clerks of the several boards of county commissioners, or by the clerks of municipal corporations, at public expense (C. & S. § 4888, 4891-92; Laws 1905 ch.39 § 1, 1890 p.400 § 1, p.405-6 § 15-16, 1895 ch.156 § 6); obtainable by voters only from the election officers, at the polling places and on election day (C. & S. § 4898, 4909; Laws 1895 ch.156 § 7, 1890 p.412 § 33).
- 2 *Blanket* (C. & S. § 4893; Laws 1890 p.406 § 17, 1891 ch.106 § 1, 1895 ch.156 § 4, 1901 ch.89 § 1).
- 3 *Party column*; no emblems; order of columns is, first, Republican; second, Democratic; other parties in the order in which the certificates of nomination have been filed (C. & S. § 4893).
- 4 Special circles for voting a straight party ticket (C. & S. § 4893).
- 5 Blank spaces for writing in names are referred to in the rules for marking, but not expressly provided for elsewhere.
- 6 No candidate's name is to appear more than once upon the ballot, but any candidate nominated by two or more parties may choose under which column his name shall appear (C. & S. § 4893).
- 7 Detachable stubs on the left-hand edge of the ballots, numbered consecutively. The number of each ballot is entered on the registration-book (or the poll-book) opposite the voter's name when the ballot is delivered to the voter, and when the ballot is returned by the voter the number on the stub is compared with that opposite his name, the stub is detached and destroyed, and the ballot deposited. (C. & S. § 4893, also § 4898-99; Laws 1895 ch.156 § 7-8).
- 8 No provision for any printed indorsement on the back, or outside, of the ballot.
- 9 There is a separate non-partisan judiciary ballot for judges of the superior courts of the several counties. This ballot is of the office group form without party designation, and contains only the names of the two candidates for each judgeship who have received the largest number of votes at a non-partisan primary election. (C. & S. § 4842; Laws 1907 ch.209 § 38,

1909 ch.82 § 11). No other separate ballots are provided for, except for separate local elections. Constitutional amendments, and other questions submitted, are printed, by very brief titles, on the general ballot above the lists of candidates. Local and municipal questions printed on separate ballots. (C. & S. § 4893; also Laws 1895 ch.156 § 4, 1901 ch.89 § 1).

10 No provision for the printing, distribution or posting of sample ballots.

#### **Rules for marking**

For a straight ticket vote the voter is to put a (X) mark in the circle under the name of his party. If he wishes to vote also for candidates of any other party, he is to put a (X) mark in the voting square after each name; but where there are two or more persons to be elected to any one office, and the voter wishes to vote for one or more candidates of his own party and one or more candidates of other parties, he must put a (X) mark after the name of every candidate for such office for whom he wishes to vote. He may also omit to mark any party circle, and mark only the individual names. In the case of a constitutional amendment or other question submitted, he is to put a (X) mark after the answer which he desires to give. He may also write or paste on the ballot the name of any person for whom he desires to vote, and may take into the polling place with him any printed or written memorandum or paper to assist him in marking his ballot. (C. & S. § 4899; Laws 1895 ch.156 § 8, 1905 ch.39 § 1).

### **WEST VIRGINIA**

#### **Constitutional provisions**

“In all elections by the people, the mode of voting shall be by ballot; but the voter shall be left free to vote by either open, sealed or secret ballot, as he may elect” (Const. 1872 art.4 § 2).

#### **Procedure by which names of candidates are placed on the ballot**

By *certificate of nomination*, signed by

- 1 The presiding officer and secretary of a nominating convention of any political party which at the last preceding general election polled at least 3% of the total vote of the state or of any subdivision thereof, or which has had nominations on the official ballot of the state or of any subdivision thereof for the last preceding ten years (Code § 31, 33-34; Acts 1891 ch.89 § 18, 20, 21, 1901 ch.61).

- 2 (In the case of a primary election) by the chairman and secretary of the executive committee of any political party which at the last preceding general election polled at least 3% of the total vote in the state or any subdivision thereof, for the district for which the nomination is made (Code § 32, 33, 35; Acts 1891 ch.89 § 19, 20, 22).
- 3 Voters, resident within the state or the political division for which the nomination is made, to the number of 1% of the entire vote cast at the last preceding election, in the state or in such political division thereof; but the number of signatures required shall not be more than 1000 nor less than 50 (Code § 37; Acts 1891 ch.89 § 24).

*Filed with* the clerks of the circuit courts of the several counties of the state (Code § 38; Acts 1891 ch.89 § 25).

"In case it shall appear to the clerk of the circuit court of any county by satisfactory evidence that nominations have been made in conformity with the provisions of this chapter, and no certificate thereof has been received by him, he shall include such nominations among the names of candidates to be printed upon the ballots . . ." (Code § 40; Acts 1891 ch.89 § 27).

#### Form of ballot

- 1 *Official*; printed and distributed by the board of ballot commissioners of each county, or by the municipal clerk (or recorder) in the case of a municipal election, at public expense (Code § 52, 56, 106; Acts 1891 ch.89 § 33, 37, 87; also Code § 104; Acts 1891 ch.89, 1893 ch.25, 1895 ch.29); obtainable by voters only from the election officers at the polling places and on election day (Code § 75, 98; Acts 1891 ch.89 § 56, 79).
- 2 *Blanket* (Code and Supp. § 53; Acts 1891 ch. 89 § 34, 1893 ch.25, 1907 ch.71, 1908 ch.21).
- 3 *Party column*; emblems; columns and officers arranged in such order as the secretary of state shall direct, preference, however, being given to the party which cast the largest vote for the head of the ticket at the last preceding presidential election, and so on. Addresses of candidates printed with their names. (Code and Supp. § 53).
- 4 Special circles for voting a straight party ticket (Code and Supp. § 53).
- 5 No express provision for blank spaces; merely referred to in rules for marking.

- 6 No limitation as to the number of times a candidate's name may appear on the ballot.
- 7 No detachable stubs or system of numbering the ballots. Each poll-clerk must write his name on the back of each ballot before delivering the same to a voter, and the ballot when returned, must be so folded as to show these signatures. As each voter votes his name is entered in the poll-books, and all the names are numbered in the order of voting. (Code § 55, 76; Acts 1891 ch.89 § 36, 57).
- 8 On the back, or outside, of the ballot are printed the words "official ballot," followed by the date of the election. Under this are printed two black lines for the signatures of the poll-clerks above mentioned, and the words "poll-clerks." (Code and Supp. § 53).
- 9 No provision for separate ballots for any local, or other officers voted for at general elections. No provisions as to the form of ballot to be used in voting on constitutional amendments or other questions submitted.
- 10 Sample ballots to be printed on different colored paper from the official ballots; ten to be furnished to each polling place and posted with cards of instruction (Code § 63; Acts 1891 ch.89 § 44).

#### Rules for marking

To vote a straight party ticket the voter must (a) put a cross mark in one of the party circles; (b) put a cross mark in the voting square opposite the name of each candidate of the party; (c) erase with lines all other tickets than the one to be voted. To vote a split ticket, the voter must (a) leave party circles unmarked and put a cross mark in the voting square opposite the name of each candidate to be voted for; (b) put a cross mark in one of the party circles and other cross marks opposite the names of the candidates of other parties to be voted for; (c) put a cross mark in one of the party circles and write in names of any persons to be voted for for any offices below the names of the party candidates for such offices. The voter may also write in "in the proper place" any name not printed on the ballot. (Code and Supp. § 53).

#### WISCONSIN Constitutional provisions

"All votes shall be given by ballot, except for such township officers as may by law be directed, or allowed to be otherwise chosen" (Const. 1848 art.3 § 3).

**Procedure by which names of candidates are placed on the ballot**

- 1 On *canvass* of the results of *direct primary elections* by precinct, county, city and state boards of canvassers, filed with city and county clerks and with the secretary of state, and on certification by the secretary of state to the several county clerks of the names of the candidates nominated. (But if any candidate has fewer votes than would be necessary to nominate him by "nomination papers," such "nomination papers," signed by the requisite number of voters, must be filed before his name may be printed on the ballot.) (S. and Supp. § 11 subd. 16-20; (Laws 1903 ch.451, 1905 ch.359), as amended by 1907 ch.666 § 2).
- 2 By *nomination papers* signed by voters to the number of
  - (a) for an office voted for throughout the state, 1000
  - (b) for an office voted for in a county, district or other division less than the state, not less than  $\frac{1}{2}$  of 1% of the whole number of votes cast therein at the last general election, and in no case less than 15
  - (c) for a ward office, in a ward containing less than 150 votes, 10
  - (d) for a ward office, in a ward containing more than 150 votes, 20
 (S. and Supp. § 30; Laws 1891 ch.379 § 3, 1893 ch.288 § 20, 1897 ch.123, 1899 ch.351 § 2).

*Filed with the secretary of state, or with a city or county clerk (S. § 32; Laws 1891 ch.379 § 4, 1893 ch.288 § 22).*

**Form of ballot**

- 1 *Official*; printed and distributed by county or city clerks at public expense (S. and Supp. § 41 (as amended by Laws 1907 ch.308), 42, 44; Laws 1891 ch.379 § 15, 16, 18, 1893 ch.288 § 31-33, 34, 1897 ch.337 § 4-5); obtainable by voters only from the election officers, at the polling places and on election day (S. § 50, 4544d; Laws 1891 ch.379 § 22, 1893 ch.288 § 41, 123).
- 2 *Blanket* (S. and Supp. § 38; (Laws 1891 ch.379 § 13, 1893 ch.288 § 28, 1895 ch.333 § 5, 7, 1897 ch.348 § 2, 1899 ch.349, ch.351 § 4, 1901 ch.457 § 3), as amended by 1907 ch.583 § 2, 1909 ch.483).
- 3 *Party column*; no emblems; the columns are arranged in alphabetical order according to the names of the parties, but "inde-

pendent nomination" columns are always at the right of the ballot. In these columns the names of the independent candidates for each office are to be rotated in such a way that each name will occupy each position on the same number of ballots as each other name. (same reference).

- 4 Special circles for voting a straight party ticket (same reference).
- 5 Blank spaces after the names of candidates for writing in other names (same reference).
- 6 No candidate's name is to be printed on the ballot in more than one column. If any candidate is nominated by two or more parties, his name is to be printed in the column of the party which first nominated him. If two or more parties have nominated him at the same time, he may choose in which column his name shall be printed, but if he fails to do so, the officer with whom his certificates of nomination were filed is to decide. No candidate's name shall be printed under the head of "independent nominations" if he already appears on the ballot as the nominee of a political party. (same reference).
- 7 No provision for detachable stubs, or for any system of numbering the ballots. The ballot-clerks write their names or initials on the back of each ballot before delivering it to a voter. (S. § 50; Laws 1891 ch. 379 § 22, 1893 ch. 288 § 41).
- 8 On the back, or outside, of the ballot are printed the words "official ballot for," followed by the designation of the polling place, the date of the election, spaces for the signatures of the ballot-clerks, and spaces where an election officer must certify by his signature if he has assisted a blind voter or one incapable of marking his ballot (same reference as for subdivision 2 above).
- 9 Separate ballots for municipal, judicial and school elections, all of which are held in April. For the ballots used at such elections, it is provided that "no party designations need be placed on the ballots for any school or judicial officer, except where party nominations have been made." The names of all non-partisan candidates are to be rotated on the separate municipal, judicial and school election ballots in the same way as on the general election ballot. In city elections in cities which have adopted chapter 670 of the Laws of 1907, the ballots are of the "office group" form, but without any party

designations. If a preliminary non-partisan election has been held on petition of 5% of the city vote for governor at the last election, then the ballots for the final election are to contain only the names of the two candidates for each office who received the largest number of votes at such preliminary election. Except in the above mentioned cities, municipal and judicial ballots are similar in form to the ballots for general elections. (same reference, and Laws 1907 ch.670). Constitutional amendments and other questions printed on the general ballot, a "concise statement of the nature" of each question being given (same reference).

10 Sample ballots, on colored paper, but in the same form as official ballots, printed and distributed to chairmen of political committees on application (S. § 42; Laws 1891 ch. 379 § 6, 1893 ch.288 § 32, 1897 ch.337 § 5).

#### Rules for marking

If the voter wishes to vote a straight party ticket he is to place a cross or other mark in one of the party circles. If he wishes to vote a split ticket he is to place a cross or other mark in the square at the right of the name of each candidate for whom he wishes to vote, or to write in the name of any person in one of the blank spaces provided. All the presidential electors of any one party may be voted for by a single mark in the square at the right of the names of the party candidates for president and vice-president. (same reference as subdivision 2 of last division).

### WYOMING

#### Constitutional provisions

"All elections shall be by ballot. The legislature shall provide by law that the names of all candidates for the same office, to be voted for at any election, shall be printed on the same ballot, at public expense, and on election day be delivered to the voters within the polling place by sworn public officials, and only such ballots so delivered shall be received and counted. But no voter shall be deprived of the privilege of writing upon the ballot used the name of any other candidate. All voters shall be guaranteed absolute privacy in the preparation of their ballots, and the secrecy of the ballot shall be made compulsory. (Const. 1889 art.6 § 11).

**Procedure by which names of candidates are placed on the ballot**

By *certificate of nomination*, signed by

- 1 The chairman and secretary of a convention or primary meeting representing a political party (R. S. § 219, 226-27; Laws 1890 ch.80 § 84-85, 1897 ch.53 § 12).
- 2 Electors residing within the district for which the nomination is to be made, to the number of
  - (a) for an office to be filled by the voters of the entire state, or any subdivision thereof larger than a county, 200
  - (b) for an office to be filled by the voters of a county, 25
  - (c) for an office to be filled by the voters of any subdivision or district less than a county, 10

(R. S. § 228; Laws 1897 ch.53 § 13).

*Filed* with the secretary of state, a county clerk or the clerk of a municipal corporation (R. S. § 232; Laws 1890 ch.80 § 87, also 1901 ch.69 § 4).

**Form of ballot**

- 1 *Official*; printed and distributed by the clerks of the several counties, or the clerks of municipal corporations, at public expense (R. S. § 286-87, 290, 292; Laws 1890 ch.80 § 82-83, 102, 110; obtainable by the voters only from the election officers, at the polls, on election day (R. S. § 319 (subd. 17-18), 334, 336; Laws 1890 ch.80 § 119, 174, 1907 ch.54 § 1. Cf. also Const. art.6 § 11).
- 2 *Blanket*. (R. S. § 289; Laws 1897 ch.53 § 17 as amended by 1905 ch.21 § 1. Cf. also Const. art.6 § 11).
- 3 *Party column*; no emblems; the several party columns are arranged in each county according to the size of the votes of the several parties for congressman at the last election, but independent nominations are always placed in one or more separate columns at the right of the ballot, after the party columns, each candidate's name being followed by his political designation. A separate column at the extreme left in which the titles of the offices are printed, and not elsewhere. Order of offices prescribed in law itself. (R. S. § 289).
- 4 Special squares for voting a straight party ticket (R. S. § 289).
- 5 Blank spaces under the names of the several candidates, for writing in names (R. S. § 289).
- 6 No candidate's name to be printed more than once on the ballot. If any candidate is nominated by two or more parties for the

same office, he may choose in which column his name shall be placed, but if he fails to do so his name is to be printed only in the column of the party which first nominated him. (R. S. § 289, also § 229; Laws 1890 ch.80 § 89, 1897 ch.53 § 16).

- 7 No provision for detachable stubs or for any system of numbering the ballots, but one of the judges writes his name or initials on each ballot before delivering it to a voter (R. S. § 336; Laws 1890 ch.80 § 119).
- 8 On the back, or outside, of the ballot are stamped by the judges with an official stamp, before the delivery of the ballots to the voters, the words "official ballot," the name and number of the voting precinct, the name of the county or city, etc., the date of the election, and the name and title of the clerk furnishing the ballots (R. S. § 290, 336).
- 9 No provision for separate ballots for local, or other officers voted for at general elections (R. S. § 289; Laws 1901 ch.69 § 44). Constitutional amendments and other questions printed on the general ballot, below the list of candidates, merely by reference numbers. Separate ballots for local and municipal questions. (R. S. § 289, also § 288, 2700-4; Laws 1890 ch.80 § 105, 1895 ch.49 § 2-6).
- 10 Sample ballots on red, yellow or blue paper, and marked at the top "sample ballot," may be prepared and used by any one. Three sample ballots, officially provided, but without official stamp, to be posted in each polling place. (R. S. § 318, also § 338; Laws 1890 ch.80 § 117).

#### Rules for marking

To vote a straight party ticket, the voter is to make a cross in one of the party squares. To vote a split ticket, he is to make a cross in one of the party squares, erase one or more names in the corresponding party column, and make crosses in the individual voting squares opposite the names of candidates for the same offices in other columns, or write the names of candidates for such offices in the blank spaces under the names erased. He may thus write in any names, whether they are printed on the ballot or not, and may make use of any memorandum (except a copy of the official ballot without the words "sample ballot") to assist him in marking his ballot. (R. S. § 289, 321, 338; Laws 1890 ch.80 § 103, 1897 ch.53 § 19. Cf. also Const. art.6 § 11).

## Part 3a

### DIGEST OF CONSTITUTIONAL AND STATUTORY PROVISIONS IN REGARD TO THE USE OF VOTING MACHINES

ALABAMA. No provision.

ARIZONA. No provision.

ARKANSAS. No provision.

CALIFORNIA: "All elections by the people shall be by ballot or by such other method as may be prescribed by law: Provided, that secrecy in voting be preserved" (Const. 1879 art.2 § 5, as amended Nov. 3, 1896). "The inhibitions of this constitution to the contrary notwithstanding the legislature shall have power to provide that in different parts of the state different methods may be employed for receiving and registering the will of the people as expressed at elections, and may provide that mechanical devices may be used within designated subdivisions of the state at the option of the local authority indicated by the legislature for that purpose" (Const. 1879 art.2 § 6, as amended November, 1902). Voting machines, of any type approved by the state voting machine commission and complying with statutory requirements, may be adopted by the board of supervisors, or other board having charge and control of elections, in any county, city and county, city or town of the state, for use at all elections ('97 ch.167; '03 ch.226; '07 ch.342, 343).

COLORADO. "All elections by the people shall be by ballot . . . Nothing in this section, however, shall be construed to prevent the use of any machine or mechanical contrivance for the purpose of receiving and registering the vote cast at any election, provided that secrecy in voting be preserved" (Const. 1876 art.7 § 8, as amended Nov. 6, 1906). Voting machines, of any type approved by the state board of voting machine commissioners and complying with the requirements of the act itself may be adopted, for use at all elections, by the governing body of any county, city, city and county, town or other political division (R. S. § 2337-60; '05 ch.101).

CONNECTICUT. "Voting machines or other mechanical devices for voting may be used in all elections in this state under such regulations as may be prescribed by law: Provided, however, that the right of secret voting shall be preserved" (Const. 1818 art.33

of the amendments, adopted October, 1905). Voting machines, of a type approved by the state board of voting machine commissioners, and complying with statutory requirements, may be adopted by towns, cities or boroughs, for use at elections of town, city or borough officers, but at no other elections ('01 ch.120, as amended by '03 ch.207; '09 ch.262).

DELAWARE. No provision.

FLORIDA. No provision.

GEORGIA. No provision.

IDAHO. No provision.

ILLINOIS. Voting machines, of any type approved by the state board of voting machine commissioners and complying with the detailed requirements of the law itself may be adopted by the voters of any city, village, incorporated town, county, precinct, election district, or other civil division of the state (for use in any election precinct thereof at any election) by majority vote of the qualified voters voting at a special election called by the officer or board charged with providing election supplies, or by petition of 10% of the voters of such city, village, etc. (R. S. ch.46 § 430; '03 p.178).

INDIANA. Voting machines may be adopted by the board of commissioners of any county, for use in any or all precincts at any or all elections, provided (1) that the seller of the machine guarantees to keep it in working order for not less than five years without cost to the county and gives bond to that effect; (2) that it is a type of machine approved by the state voting machine commission; (3) that it complies with certain specific requirements laid down in the act itself. The use of voting machines is mandatory in counties having a population of over 36,000 (R. S. § 7021-48; '01 p.591, as amended by '03 p.278).

IOWA. Voting machines, of any type approved by the state board of voting machine commissioners and complying with the requirements of the law, may be adopted by the board of supervisors of a county, or the council of any incorporated city or town, for use at all elections (Code Supp. § 1137 subd.a7-a27; '00 ch.37).

KANSAS. Voting machines may be adopted by the board of county commissioners of any county, or the mayor and council of any city, or the township board of any township, for use at all elections. No state voting machine commission or board is provided for, but numerous requirements with which all machines must comply are prescribed in the act itself. (D. G. S. 1909 ch.36 art.15; '01 ch.184).

KENTUCKY. No provision.

LOUISIANA. No provision.

MAINE. Voting machines of any type approved by the secretary of state, attorney general, and one member of the governor's council designated by the governor and complying with the law itself, may be adopted by the governing body of any town for use at presidential and state elections held therein (R. S. 1903 ch.6 § 45-48; '01 ch.169 § 1-4).

MARYLAND. No provision.

MASSACHUSETTS. Prior to 1907 voting machines could be adopted by the board of aldermen of any city, or the selectmen of any town, for use at all elections, if of a type approved by the state board of voting machine examiners ('07 ch.560 § 223-28). In that year their use was declared unconstitutional by the supreme judicial court (*Nichols v. Board of Elections, etc.*, 196 Mass. 410). A constitutional amendment, however, expressly permitting their use was passed for the first time by the legislature in 1909. It was repassed in 1910, but as the resolution contained no provision for its submission to popular vote it has not yet been finally acted upon.

MICHIGAN. Voting machines — provided they are "thoroughly tested and reliable" and comply with the detailed requirements of the law — may be adopted by the board of supervisors of any county, the common council of any incorporated city or village, or the township board of any township, for use at all elections ('07 no.287, 154; '09 no.214, 302).

MINNESOTA. Voting machines, of any type approved by the state voting machine commission and complying with statutory requirements, may be adopted by the governing body of any city, village or town, "for use in any or all districts thereof at all elections" (R. L. 1905, Supp. 1909, ch.6 § 44-47).

MISSISSIPPI. No provision.

MISSOURI. No provision.

MONTANA. The use of voting machines is mandatory for counties of the first class and cities of the second class. For all other counties and cities their use is optional; they may be adopted by the board of county commissioners or by the city or town council. In all cases the machines adopted must comply with the requirements of the law and must be approved by the state board of voting machine commissioners. (Code § 609-11, as amended by '09 ch.99).

NEBRASKA. Voting machines, of any type approved by the state board of voting machine commissioners and complying with the requirements of the law itself, may be adopted, for use at all elections, by the county commissioners of any county, the city council of any city or the proper officers of any village school or other district, precinct or township (C. S. 1909 ch.26 § 3347-60).

NEVADA. No provision.

NEW HAMPSHIRE. No provision.

NEW JERSEY. Voting machines, of any type complying with the law and approved by the secretary of state, may be purchased by the secretary of state, and assigned by him to any election district. Such machines may also be purchased by the governing body of any county. ('05 ch.215 § 1-10; '07 ch.268; '10 ch.284). In any election district, on petition of at least 25% of the legal voters of the district, the governing body of the municipality in which such district is situated must hold a special election to determine whether or not voting machines shall continue to be used therein. If the vote is against their use, they shall not again be used in the district except on written request of a majority of the registered voters of the district. If the vote is in favor of their retention, the question shall not be submitted again within two years. ('08 ch.163). Under this act a vote was taken Nov. 3, 1908, in 215 out of 361 districts in which machines were in use, and in 211 of these the use of voting machines was discontinued (Report of sec. of state, Dec. 1908).

NEW MEXICO. No provision.

NEW YORK. "All elections by the citizens, except for such town officers as may by law be directed to be otherwise chosen, shall be by ballot, or by such other method as may be prescribed by law, provided that secrecy in voting be preserved" (Const. 1894 art.2 § 5). The board of elections of New York city, the common council of any other city, the town board of any town or the board of trustees of any village may adopt for use at any or all elections in such city, town or village, or any part thereof, any type of voting machine approved by the State board of voting machine commissioners, or the use of which has been expressly authorized by law. Certain requirements as to the machines are prescribed in the law itself. (Consolidated Laws 1909 ch.17 art.15, as amended by '09 ch.240 § 24, ch.465).

NORTH CAROLINA. No provision.

NORTH DAKOTA. No provision.

OHIO. Until 1909 it was provided that voting machines, of any type approved by the state voting machine commission and complying with the requirements of the law, might be adopted, for use at all elections in any or all election districts, by popular vote in any city, village, precinct, town or other civil division, or upon petition of resident voters to a number equivalent to 65% of the total vote cast in such civil division at the last preceding election ('98 p.277; '00 p.309; '02 p.420). In that year, however, the voting machine law was declared unconstitutional by the Supreme Court of the state in *State ex rel. Karlinger v. Board of Deputy State Supervisors of Elections* (89 N. E. 33, 80 O. S. 471).

OKLAHOMA. No provision.

OREGON. No provision.

PENNSYLVANIA. The constitution provides that "all elections by the citizens shall be by ballot or by such other method as may be prescribed by law: Provided, that secrecy in voting be preserved" (Const. art.8 § 4, as amended Nov. 5, 1901) but the legislature has not availed itself of this permission to provide for the use of voting machines.

RHODE ISLAND. Voting machines, of any type approved by the secretary of state, may be adopted by the council of any city or town for use at all elections. The secretary of state may also purchase machines of any type approved by the state returning board, and supply them at his discretion to cities and towns, on request. (G. L. 1909 tit.2 ch.13; '06 ch.1349).

SOUTH CAROLINA. No provision.

SOUTH DAKOTA. No provision.

TENNESSEE. No provision.

TEXAS. No provision.

UTAH. "All elections shall be by ballot. Nothing in this section shall be construed to prevent the use of any machine or mechanical contrivance for the purpose of receiving and registering the votes cast at any election: Provided, that secrecy in voting be preserved" (Const. 1896 art.4 § 8). Voting machines, of any type approved by the state voting machine commission and complying with statutory requirements may be adopted by the board of commissioners of any county, the city council of any city, or any other board having charge of elections in any county, city or town of the state, for use at any or all elections ('05 ch.85; '07 ch.162).

VERMONT. No provision.

VIRGINIA. The constitution states that "the general assembly may provide for the use, throughout the state or in any one or more counties, cities or towns in any election, of machines for receiving, recording, and counting the votes cast thereat: Provided, that the secrecy of the voting be not thereby impaired" (Const. 1902 art.2 § 37) but the legislature has not as yet availed itself of this provision.

WASHINGTON. No provision.

WEST VIRGINIA. No provision.

WISCONSIN. Voting machines, of any type approved by the state voting machine commission and complying with the requirements of the law itself may be adopted for use at all elections by the municipal governing body of any city, village or town, but, in villages and towns, only after their adoption has been approved by a majority vote at a popular election (Wis. Stat., Supp. § 44 subd.1-19; '01 ch.459; '05 ch. 495; '07 ch.316; '09 ch.435, 454, 473).

WYOMING. No provision.

## Part 3b

### GENERAL REFERENCES TO STATE BALLOT LAWS

In citations throughout this monograph abbreviations not specifically explained are those regularly used in the series of Legislation bulletins.

ALABAMA. Political Code 1907 ch.15 art.7-9; as amended by Acts 1909 no.110 p.277.

ARIZONA. Revised Statutes 1901 tit.20 ch.6-7; as amended by Laws 1909 ch.24.

ARKANSAS. Kirby's Digest of the Statutes of Arkansas, 1904 ed., ch.57.

CALIFORNIA. Political Code 1906 tit.2 ch.8; as amended by Laws 1907 ch.345 § 7, 1909 ch.280, 405.

COLORADO. Revised Statutes 1908 ch.43, art.1, 4.

CONNECTICUT. General Statutes, Revision 1902 tit.8 ch.104, 107; as amended by Public Acts 1903 ch.45, 1909 ch.68, 250 (Acts 1909 ch.250 contain the new Australian ballot law).

DELAWARE. Revised Statutes 1893 tit.4 ch.18; as amended by Laws 1897 ch.396, 1901 ch.62.

FLORIDA. General Statutes 1906 div.1 tit.4 ch.1. art.1; as amended by Laws 1907 no.17 p.92.

GEORGIA. Political Code 1895 tit.2 ch.3 art.3.

IDAHO. Revised Codes 1908-9, Political Code tit.3 ch.7, 9, 10; as amended by Laws 1909 p.196.

ILLINOIS. Hurd's Revised Statutes 1905 ch.46; as amended by Laws 1910 ex. sess. p.12 § 12-16, 47-48, p.46 § 57-58, p.77 § 13.

INDIANA. Burns' Annotated Indiana Statutes, Revision 1908, ch.64 art.1, 6.

IOWA. Code 1897, with Supplement through 1907, tit.6 ch.3; as amended by Laws 1909 ch.69 § 12, 17.

KANSAS. Dassler's General Statutes 1909 ch.36 art.10, 12.

KENTUCKY. Russell's Statutes of Kentucky, 1909 ed., ch.17, art.3; as amended by Laws 1910 ch. 50 § 6-7.

LOUISIANA. Wolff's Constitution and Revised Laws of Louisiana 1904 with Supplement (vol. 3) to 1910; title on Elections.

MAINE. Revised Statutes 1903 tit.1 ch.6.

MARYLAND. Poe's Code of Public General Laws, 1904 ed., art.33; as amended by Acts 1908 p.99, 103, 1910 p. 112, 113.

MASSACHUSETTS. Acts 1907 ch.560 (a recodification of the entire election law); as amended by Acts 1908 ch.425, 461.

MICHIGAN. Compiled Laws 1897 tit.8 pt1; as amended by Public Acts 1901 no.214, 1905 no.25, 55, 1907 no.154, 189, 287, 1907 ex. sess. no.4, 1909 no.192, 281.

MINNESOTA. Revised Laws 1905, with Supplement through 1909, ch.6.

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## Part 4

### BIBLIOGRAPHY

A partial list of books, magazine articles, pamphlets and official publications dealing with ballot reform and the history of Australian ballot legislation in the United States during the past twenty-five years, with special reference to the *form* of the ballot.

A few items have been included in the following list which do not strictly belong there. They describe the electoral corruption which led up to and stimulated the movement for the introduction of the Australian ballot, and it was felt that they would add to the value of the list for students of the history of ballot reform. A few items on voting machines and their use have also been included. No attempt has been made, however, to deal thoroughly with either of these subjects.

In general, all material dealing with the early history of ballot legislation in the United States (prior to 1888) has been omitted. Even for the period since 1889 the list does not pretend to be exhaustive. It has been sought, by correspondence with persons in all parts of the country, to secure references to most of the more important publications, but it is probable that a great deal of material dealing with the local history of ballot reform in the several states has been omitted.

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